

**GOLDENDALE CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 18, 2023  
6:00 PM**

**NOTE: THIS MEETING IS BEING HELD IN PERSON OR CAN BE ACCESSED REMOTELY BY TELEPHONE AND ZOOM VIDEO. TO PARTICIPATE VIA ZOOM, YOU WILL NEED TO CALL 415-762-9988. THE MEETING ID NUMBER IS 373 290 5204. YOU WILL BE ABLE TO CALL IN AT 5:45. YOU CAN FIND THE INSTRUCTIONS FOR ZOOM ON THE WEBSITE.**

- A. Call to Order
  - a. Pledge of Allegiance
- B. Roll Call
- C. Closed Public Comment (Agenda Business Only, comments limited to 3 minutes)
- D. Public Hearing
  - 1. Shoreline Master Program
  - 2. Ordinance No 1530
- E. Agenda
  - 1. Approval of Agenda
  - 2. Consent Agenda
    - a. Approval of Minutes
    - b. Claims
    - c. Payroll
    - d. Other
- F. Presentations
  - 1. Chamber of Commerce Update
- G. Department Reports
- H. Council Business
  - 1. Award of Contract to Epic Aviation LLC
  - 2. Airport Advisory Board Bylaws
  - 3. Recognition Committee Request
  - 4. Draft Interlocal Agreement between City of Goldendale and Klickitat County for District Court Services
- I. Resolutions
- J. Ordinances
  - 1. Ordinance No 1530
  - 2. Ordinance No 1531
- K. Report of Officers - Council, Mayor, City Administrator
- L. Open Public Comment – 3 Minute Limit
- M. Executive Session
- N. Adjournment

**THE NEXT REGULAR COUNCIL MEETING WILL BE ON OCTOBER 2, 2023 AT 6:00 PM.**

**AGENDA BILL: D-1**

**AGENDA TITLE: SHORELINE MASTER PROGRAM**

**DATE: SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE \_\_\_\_\_ COUNCIL INFORMATION \_\_\_\_\_

RESOLUTION \_\_\_\_\_ OTHER Public Hearing \_\_\_\_\_

MOTION \_\_\_\_\_

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**EXPLANATION:** Department of Ecology as completed their review and has approved Goldendale's SMP (Shoreline Master Program). The purpose of the hearing is to provide the community with a comment on the plan prior to ratification by the Goldendale City Council.

City of Goldendale  
Ecology Grant Agreement # ~~G1400611~~ SEASMP-2123-CiGold-00163

# SHORELINE MASTER PROGRAM

## CITY OF GOLDENDALE

~~June 2016~~ Revised January May 2023  
~~Ecology Grant Agreement Task 10~~

Prepared for:



City of Goldendale  
1103 S. Columbus  
Goldendale, WA 98620

Prepared with assistance from:



Prepared with funding from:



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APPENDIX B: SHORELINE CRITICAL AREAS REGULATIONS



# SHORELINE MASTER PROGRAM

## CITY OF GOLDENDALE

### 1 GENERAL PROVISIONS

#### 1.1 Purpose

- (1) The purpose of the City's Shoreline Master Program is to implement the requirements of RCW 90.58, the Shoreline Management Act of 1971. RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for regulation of uses on shorelines of the state.

#### 1.2 Authority

- (1) The City's Shoreline Master Program is enacted and administered according to the following state law and rules:
  - A. The Shoreline Management Act of 1971, RCW 90.58;
  - B. State master program approval/amendment procedures and master program guidelines, WAC 173-26; and
  - C. Shoreline management permit and enforcement procedures, WAC 173-27.

#### 1.3 Applicability

- (1) The City's Shoreline Master Program shall apply to all shorelines of the state as defined in RCW 90.58.030.
- (2) Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to RCW 90.58, the Shoreline Management Act, and the City's Shoreline Master Program whether or not a permit is required.
- (3) Federal agency activities must comply with WAC 173-27-060.

#### 1.4 Relationship to other regulations

- (1) Compliance with the City's Shoreline Master Program does not constitute compliance with other federal, state, and local regulations and permit requirements that may apply. In addition to the City, agencies that may have regulatory authority for shoreline projects includes, but is not limited to, the US Army Corps of Engineers, the Washington State



Department of Fish and Wildlife, and Ecology. The applicant is responsible for complying with all other applicable requirements.

- (2) When any provision of the City's Shoreline Master Program or any other federal, state, or local provision conflicts with the City's Shoreline Master Program, the provision that is most protective of shoreline resources shall prevail.
- (3) The City's Shoreline Master Program includes critical areas regulations applicable only in shoreline jurisdiction; these regulations shall control within shoreline jurisdiction over the general critical area regulations adopted pursuant to the Growth Management Act.

## 1.5 Liberal construction

- (1) As provided for in RCW 90.58.900, the Shoreline Management Act is exempted from the rule of strict construction. Therefore, the City's Shoreline Master Program shall be liberally construed to give full effect to the purposes and policies for which it was enacted.

## 1.6 Severability

- (1) If any provision of the City's Shoreline Master Program, or its application to any person or legal entity or circumstances, is held invalid, the remainder of the City's Shoreline Master Program, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

## 1.7 Effective date

- (1) The City's Shoreline Master Program is hereby adopted on June 20, 2016 (Resolution No. 656). The City's Shoreline Master Program and all amendments thereto shall become effective 14 days from the date of Ecology's written notice of final approval.

## 2 DEFINITIONS

- (1) **"Agricultural activities"** means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement

facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

- (2) **"Agricultural equipment"** includes, but is not limited to:
  - A. The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
  - B. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
  - C. Farm residences and associated equipment, lands, and facilities; and
  - D. Roadside stands and on-farm markets for marketing fruit or vegetables.
- (3) **"Agricultural facilities"** has the same meaning as "agricultural equipment."
- (4) **"Agricultural land"** means those specific land areas on which agricultural activities are conducted as of the date of adoption of the City's Shoreline Master Program as evidenced by aerial photography or other documentation. After the effective date of the City's Shoreline Master Program, land converted to agricultural use is subject to compliance with its requirements.
- (5) **"Agricultural products"** includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within 20 years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.
- (6) **"Amendment"** means a revision, update, addition, deletion, and/or reenactment to the City's Shoreline Master Program.
- (7) **"Applicant"** means any person, public agency, or business entity such as a corporation or partnership which applies for a development proposal, permit, or approval subject to review under the City's Shoreline Master Program.
- (8) **"Aquaculture"** means the culture or farming of fish or other aquatic plants and animals. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.
- (9) **"Areas with a critical recharging effect on aquifers used for potable water"** are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.

- (10) **"Associated wetlands"** means those wetlands that are in proximity to and either influence or are influenced by waters subject to the Shoreline Management Act.
- (11) **"Average grade level"** means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property that will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.
- (12) **"Buffer"** means that area which surrounds and protects a critical area from adverse impacts to the functions and values of that area.
- (13) **"Channel migration zone"** means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. For purposes of the City's Shoreline Master Program, the channel migration zone shall not extend beyond the floodway.
- (14) **"City"** means the City of Goldendale.
- (15) **"Classification"** means defined categories to which critical areas are assigned.
- (16) **"County"** means Klickitat County.
- (17) **"Critical areas"** include the following areas and ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.
- (18) **"Designation"** means the identification of particular lands for classification. For planning purposes, designation establishes: a classification scheme, general land distribution and location, and extent of land use.
- (19) **"Development"** means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act at any stage of water level.  
Development does not include dismantling or removing structures if there is no other associated development or re-development.

**Commented [BH1]:** Recommended addition from SMP  
Periodic Review Checklist 2017(b)

- (20) **"Ecological functions"** means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.
- (21) **"Ecological restoration"** has the same meaning as "restore."
- (22) **"Ecology"** means the Washington State Department of Ecology.
- (23) **"Ecosystem-wide processes"** means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.
- (24) **"Exempt"** developments are those set forth in WAC 173-27-040; RCW 90.58.030(3)(e); RCW 90.58.140(9); RCW 90.58.147; RCW 90.58.355; and RCW 90.58.515 that are not required to obtain a shoreline substantial development permit but which must otherwise comply with applicable provisions of the Shoreline Management Act and the City's Shoreline Master Program.
- (25) **"Feasible"** means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions. In cases where the City's Shoreline Master Program requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.
  - A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
  - B. The action provides a reasonable likelihood of achieving its intended purpose; and
  - C. The action does not physically preclude achieving the project's primary intended legal use.
- (26) **"Fill"** means the addition of soil, sand, rock, gravel, sediment, earth-retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.
- (27) **"Flood"** means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (28) **"Floodplain"** is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Shoreline Management Act.

- (29) **"Floodway"** means the area that either has been established in Federal Emergency Management Agency flood insurance rate maps or floodway maps or consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from floodwaters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.
- (30) **"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance; harvesting, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. "Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.
- (31) **"Frequently flooded areas"** are lands in the floodplain subject to a one percent or greater chance of flooding in any given year.
- (32) **"Geologically hazardous areas"** are areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events may not be suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.
- (33) **"Geotechnical analysis"** has the same meaning as "geotechnical report."
- (34) **"Geotechnical report"** means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or

geologists who have professional expertise about the regional and local shoreline geology and processes.

- (35) **"Grading"** means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.
- (36) **"Guidelines"** means those standards adopted by Ecology to implement the policy of RCW 90.58 for regulation of use of the shorelines of the state.
- (37) **"Habitat of local importance"** is a habitat with which a species of local importance has a primary association.
- (38) **"Hazard tree"** means a tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than 50 percent exposed, or having been exposed to wind throw within the past ten years, and where there is a residence or residential accessory structure within a tree length of the base of the trunk, or where the top of a bluff or steep slope is endangered. Where not immediately apparent to the review authority, the hazard tree determination shall be made after review of a report prepared by an arborist or forester.
- (39) **"Height"** is measured from average grade level to the highest point of a structure, provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, and that temporary construction equipment is excluded in this calculation.
- (40) **"In-stream structures"** are structures placed by humans within a stream or river waterward of the ordinary high water mark that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.
- (41) **"May"** means the action is acceptable, provided it conforms to the provisions of the City's Shoreline Master Program.
- (42) **"Mitigation"** means the use of any or all of the actions that are listed in descending order of preference in regulation 6.3(3). In some cases, the City's Shoreline Master Program will specify the required mitigation, such as providing for buffer widths. In other instances, the applicant will develop mitigation.
- (43) **"Must"** means a mandate; the action is required.
- (44) **"Natural or existing topography"** means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.
- (45) **"Nonconforming use or development or structure"** means a shoreline use or development that was lawfully constructed or established prior to the effective date of the City's Shoreline Master Program, or amendments thereto, but that does not

~~conform to present regulations or standards of the City's Shoreline Master Program, a building or structure or portion thereof which was lawfully erected, altered or maintained, but no longer conforms with present regulations such as setbacks, buffer or yards, area, bulk height or density standards of the Master Program.~~

~~(46)~~ **"Nonconforming use"** means an activity in a structure or on a tract of land that was legally established prior to the effective date of the act or shoreline master program, which does not conform to the use regulations of the current site zoning.

~~(45)(47)~~ **"Nonconforming lot"** means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

~~(46)(48)~~ **"Nonwater-oriented uses"** means those uses that are not water-dependent, water-related, or water-enjoyment.

~~(47)(49)~~ **"Ordinary high water mark"** on all lakes and streams is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

~~(48)(50)~~ **"Party of record"** includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified the City of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

~~(49)(51)~~ **"Performance standards"** means a measure, control, procedure, or process which ensures the protection or preservation of critical areas.

~~(50)(52)~~ **"Person"** means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

~~(51)(53)~~ **"Potentially associated wetland"** refers to areas shown on the Official Shorelines Map that may require additional site-specific evaluation to confirm/verify whether the area meets the definition of "associated wetlands."

~~(52)(54)~~ **"Primary association"** means an area in which there is a high relative density or species richness, and the area is significant for providing breeding habitat, winter range, or movement corridors.

Commented [DN2]: recommended updates from the SMP  
Periodic Update checklist 2017(g)



~~(53)~~(55) **"Priority habitat"** means a habitat type with unique or significant value to one or more species.

- A. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refugia habitat; limited availability; high vulnerability to habitat alteration; or unique or dependent species.
- B. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

~~(54)~~(56) **"Priority species"** means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

- A. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Washington State Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- B. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate.
- C. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- D. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

~~(55)~~(57) **"Provisions"** means policies, regulations, standards, or environment designations.



- ~~(56)~~~~(58)~~ **"Public interest"** means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.
- ~~(57)~~~~(59)~~ **"Qualified professional"** means an accredited or licensed professional with a combination of education and experience in a discipline appropriate for the subject matter that is being commented on; someone who would qualify as an expert in their field.
- ~~(58)~~~~(60)~~ **"Restoration"** has the same meaning as "restore."
- ~~(59)~~~~(61)~~ **"Restore"** means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.
- ~~(60)~~~~(62)~~ **"Shall"** means a mandate; the action is required.
- ~~(61)~~~~(63)~~ **"Shorelands"** means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the waters that are subject to the provisions of the City's Shoreline Master Program.
- ~~(62)~~~~(64)~~ **"Shoreline areas"** means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.
- ~~(63)~~~~(65)~~ **"Shoreline conditional use"** means a use, development, or substantial development that is classified as a shoreline conditional use or is not classified within the City's Shoreline Master Program.
- ~~(64)~~~~(66)~~ **"Shoreline functions"** has the same meaning as "ecological functions."
- ~~(65)~~~~(67)~~ **"Shoreline jurisdiction"** has the same meaning as "shoreline areas."
- ~~(66)~~~~(68)~~ **"Shoreline modifications"** means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.
- ~~(67)~~~~(69)~~ **"Shoreline permit"** means any shoreline substantial development permit, shoreline variance permit, shoreline conditional use permit, or revision authorized under RCW 90.58.

~~(68)~~(70) **"Shoreline stabilization"** includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization.

~~(69)~~(71) **"Shoreline variance"** is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the City's Shoreline Master Program and not a means to vary a use of a shoreline.

~~(70)~~(72) **"Shorelines"** means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except shorelines of statewide significance; shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

~~(71)~~(73) **"Shorelines of the state"** are the total of all "shorelines" and "shorelines of statewide significance" within the state.

~~(72)~~(74) **"Should"** means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act, the Guidelines, and the City's Shoreline Master Program against taking the action.

~~(73)~~(75) **"Significant vegetation removal"** means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

~~(74)~~(76) **"Species of local importance"** are those species whose population is vulnerable (i.e. it is endangered, threatened or sensitive), that are vulnerable to habitat manipulation, or that are a game species. The species must also be native or indigenous to Washington State.

~~(75)~~(77) **"Structure"** means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

~~(76)~~(78) **"Substantial development"** shall mean any development of which the total cost or fair market value exceeds ~~\$6,446,504~~, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold

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must be adjusted for inflation by the Office of Financial Management every five years, beginning September 15, 2012, based upon changes in the consumer price index during that time period. See WAC 173-27-040 for a list of developments that shall not be considered substantial development.

~~(77)~~(79) **“Substantially degrade”** means to cause significant ecological impact.

~~(78)~~(80) **“Water-dependent use”** means a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations.

~~(79)~~(81) **“Water-enjoyment use”** means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use, or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

~~(80)~~(82) **“Water-oriented use”** means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

~~(81)~~(83) **“Water-related use”** means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- A. The use has a functional requirement for a waterfront location such as the need for large quantities of water; or
- B. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

~~(82)~~(84) **“Waters of the state”** means all salt waters and fresh waters waterward of ordinary high water lines and within the territorial boundaries of the state.

~~(83)~~(85) **“Wetlands”** means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as

a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

~~(84)~~(86) **“Wetland functions and values”** means the beneficial roles served by wetlands that may include but are not limited to: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance and attenuation; groundwater recharge and discharge; erosion control; and aesthetic value protection.

### 3 SHORELINE JURISDICTION

#### 3.1 Shoreline jurisdiction

- (1) **Shorelines of the state.** In accordance with the Shoreline Management Act, the City’s shoreline jurisdiction subject to the City’s Shoreline Master Program includes all “shorelines of the state” and “shorelands.” Shorelines of the state are the total of all “shorelines” and “shorelines of statewide significance.” The City’s shorelines include the Little Klickitat River; the City has no shorelines of statewide significance. The City’s shoreline jurisdiction does not include the optional inclusion of the entire 100-year floodplain or land necessary for buffers for critical areas.
- (2) **Where shoreline jurisdiction does not include an entire parcel.** In circumstances where shoreline jurisdiction does not include an entire parcel, only that portion of the parcel within shoreline jurisdiction and any use, activity or development proposed within shoreline jurisdiction on that portion of the parcel is subject to the City’s Shoreline Master Program.

#### 3.2 Official Shorelines Map

- (1) **Official Shorelines Map.**
  - A. The City’s shoreline jurisdiction and the environment designations established by the City’s Shoreline Master Program are shown on the Official Shorelines Map. The Official Shorelines Map is adopted by reference and declared to be a part of the City’s Shoreline Master Program. The Official Shorelines Map can be seen in Appendix A.
  - B. The Official Shorelines Map may be updated administratively or through an amendment to the City’s Shoreline Master Program as indicated in regulation 3.2(2) below. Minor mapping inaccuracies corrected administratively shall not be greater than one acre in size. Ecology shall be provided with an updated Official Shorelines Map when any updates are made.

- (2) **Official Shorelines Map approximate.** The Official Shorelines Map only approximately identifies or depicts the lateral extent of shoreline jurisdiction and environment designations from the shoreline waterbody. The actual lateral extent of shoreline jurisdiction and environment designations shall be determined on a site-specific basis at the time a development is proposed based on the location of the ordinary high water mark, floodway, floodplain, and the presence of associated wetlands.
- A. Ordinary high water mark and wetland boundary determinations are valid for five years from the date the determination is made. After five years has elapsed, the City shall determine whether a revision or additional assessment is necessary.
  - B. Any mapped potentially associated wetlands that are not designated shall be assigned the category of the contiguous waterward environment designation.
  - C. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction related to site-specific surveys of ordinary high water mark, floodway, and/or floodplain are automatically assigned the category of the contiguous waterward environment designation. Where the mapping inaccuracy results in inclusion of an unmapped associated wetland, that wetland shall be assigned the designation of the adjoining area. Correction of such minor mapping inaccuracies may be made and incorporated into the Official Shorelines Map without an amendment to the City's Shoreline Master Program.
  - D. Any areas within shoreline jurisdiction that are not mapped and/or designated that are not addressed by regulation 3.2(2)B or regulation 3.2(2)C shall be assigned a Parks and Recreation designation until the shoreline can be redesignated through an amendment to the City's Shoreline Master Program conducted consistent with Section 8.13, Amendments.
  - E. Any area shown on the Official Shorelines Map as within shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction shall not be subject to the requirements of the City's Shoreline Master Program. Correction of such minor mapping inaccuracies may be made and incorporated into the Official Shorelines Map without an amendment to the City's Shoreline Master Program.
  - F. When interpreting the exact location of an environment designation boundary line, the location shown on the Official Shorelines Map shall prevail consistent with the following rules:
    - 1. Boundaries indicated as approximately following parcel, tract, or section lines shall be so construed.

2. In cases of boundary line adjustments or subdivisions, the designation of the parent parcel shall not change as a result, except if pursuant to an amendment to the City's Shoreline Master Program.
3. Boundaries indicated as approximately following roads and railroads shall be construed to follow the nearest right-of-way edge.
4. Boundaries indicated as approximately parallel to or extensions of features indicated in regulations 3.2(2)F.1 through 3.2(2)F.3 above shall be so construed.

## **4 SHORELINE POLICIES**

### **4.1 General policies**

#### **4.1.1 Archaeological & historic resources**

- (1) Due to the limited and irreplaceable nature of the resource(s), the destruction of or damage to any site having historic, cultural, scientific or educational value, as identified by the appropriate authorities, should be prevented.

#### **4.1.2 Critical areas**

- (1) The existing ecological functions and ecosystem-wide processes of critical areas should be protected.
- (2) Human uses and values that are compatible with the protection of the existing ecological functions and ecosystem-wide processes of critical areas, such as public access and aesthetic values, should be promoted provided that impacts to ecological functions are first avoided, and any unavoidable impacts are mitigated.

#### **4.1.3 Environmental protection**

- (1) The City's Shoreline Master Program should assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.
- (2) To assure no net loss of shoreline ecological functions, individual uses and developments should be required to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the City's Shoreline Master Program or other applicable regulations.

#### **4.1.4 Flood hazard reduction**

- (1) When evaluating alternate flood control measures, the removal or relocation of structures in flood-prone areas should be considered.
- (2) Where feasible, preference should be given to non-structural flood hazard reduction measures over structural measures.

- (3) River and stream processes should be returned to a more natural state where feasible and appropriate, including the removal of artificial restrictions to natural channel migration and the restoration of off-channel hydrological connections.
- (4) Flood hazard protection measures should not result in a net loss of ecological functions and ecosystem-wide processes associated with rivers and streams.

#### **4.1.5 Public access**

- (1) The public interest with regard to rights to access waters held in public trust by the state should be promoted and enhanced, while protecting private property rights and public safety.
- (2) Space necessary for water-dependent uses should be protected.
- (3) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water, should be protected.
- (4) The design, construction, and operation of permitted uses in shorelines of the state should be regulated to minimize, insofar as practical, interference with the public's use of the water.

#### **4.1.6 Vegetation conservation**

- (1) Vegetation conservation should be undertaken to protect the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of shorelines, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

#### **4.1.7 Water quality & quantity**

- (1) Impacts to water quality and quantity that would result in a net loss of shoreline ecological functions or in a significant impact to aesthetic qualities or recreational opportunities should be prevented.
- (2) Low impact development facilities that do not substantially change the character of the shoreline should be encouraged in association with development allowed in shoreline jurisdiction.

## 4.2 Shoreline use & modification policies

### 4.2.1 General shoreline use & modification policies

- (1) The development of property in shoreline jurisdiction should protect the public's health, safety, and welfare; the land and its vegetation and wildlife; and property rights while implementing the policies of the Shoreline Management Act.
- (2) The City, when determining allowable uses and resolving use conflicts on shorelines within jurisdiction, shall apply the following preferences and priorities in the order listed below.
  - A. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
  - B. Reserve shoreline areas for water-dependent and associated water-related uses.
  - C. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
  - D. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
  - E. Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.
- (3) Use conflicts should be reduced by prohibiting or applying special conditions to uses that are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the City's shoreline.
- (4) Only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed should be allowed.
- (5) The adverse effects of shoreline modifications should be reduced and, as much as possible, shoreline modifications should be limited in number and extent.
- (6) Shoreline modifications, individually and cumulatively, should not result in a net loss of ecological functions. This should be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
- (7) Structural shoreline modifications should be allowed only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.



- (8) The enhancement of impaired ecological functions should be planned for where feasible and appropriate, while accommodating permitted uses.

#### **4.2.2 Agriculture**

- (1) New agricultural activities on land not meeting the definition of agricultural land, the conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities should be consistent with the environment designation and the general and specific use regulations applicable to the proposed use, and should assure no net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values.

#### **4.2.3 Aquaculture**

- (1) Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. While aquaculture is not anticipated within the City's shoreline jurisdiction, some scale or form of aquaculture could be appropriate.

#### **4.2.4 Boating facilities**

- (1) Boating facilities, including, but not limited to, piers and docks, should be prohibited within the City's shoreline jurisdiction.

#### **4.2.5 Commercial development**

- (1) Preference should be given first to water-dependent commercial uses over nonwater-dependent commercial uses; and second, to water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses.
- (2) Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible or inappropriate.

#### **4.2.6 Dredging & dredge material disposal**

- (1) Dredging and dredge material disposal should be done in a manner that avoids, minimizes or mitigates significant ecological impacts.
- (2) Dredging and dredge material disposal should be consistent with adopted regional interagency dredge material management plans and watershed management plans.
- (3) Uses of suitable dredge material that benefit shoreline resources are encouraged.

#### **4.2.7 Fill & excavation**

- (1) Fills and excavations should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
- (2) Fills waterward of the ordinary high water mark should be allowed in limited instances only.

#### **4.2.8 Forest practices**

- (1) Forest practices should be prohibited within the City's shoreline jurisdiction.

#### **4.2.9 Industrial development**

- (1) Preference should first be given to water-dependent industrial uses over nonwater-dependent industrial uses; and second, to water-related industrial uses over nonwater-oriented industrial uses.
- (2) Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

#### **4.2.10 In-stream structures**

- (1) The location and planning of in-stream structures should give due consideration to the full range of public interests.

#### **4.2.11 Mining**

- (1) Mining should be prohibited within the City's shoreline jurisdiction.

#### **4.2.12 Recreational development**

- (1) Shoreline recreational development should be given priority and should be primarily related to access to, enjoyment of, and use of shorelines of the state.
- (2) State-owned shorelines should be given appropriate special consideration for providing recreational activities for the public.

#### **4.2.13 Residential development**

- (1) Single-family residences are a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

#### **4.2.14 Shoreline habitat & natural systems enhancement projects**

- (1) Shoreline habitat and natural system enhancement projects should be fostered.

- (2) Shoreline habitat and natural system enhancement projects should address legitimate restoration needs and priorities and facilitate implementation of the City's approved Shoreline Restoration Plan.

#### **4.2.15 Shoreline stabilization**

- (1) The City should regulate shoreline stabilization in order to avoid the individual and cumulative net loss of ecological functions. This should be achieved by giving preference to those types of shoreline stabilization that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline stabilization.
- (2) Structural shoreline stabilization should be allowed only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or where necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

#### **4.2.16 Transportation & parking**

- (1) Safe, reasonable, and adequate circulation systems should be provided to, through or over shorelines where necessary and otherwise consistent with the City's Shoreline Master Program.
- (2) Circulation systems should include systems for pedestrian, bicycle, and public transportation where appropriate.

#### **4.2.17 Utilities**

- (1) All utility facilities should be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
- (2) Shoreline uses should not be allowed where the City's comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Existing utility services routed through shoreline areas should not be the sole justification for more intense development.

## **5 ENVIRONMENT DESIGNATIONS**

### **5.1 High-Intensity**

#### **5.1.1 Purpose**

- (1) The purpose of the High-Intensity environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

#### **5.1.2 Designation**

- (1) A High-Intensity environment designation is assigned to shoreline areas that currently support or are suitable and planned for high-intensity uses related to commerce, industry or transportation.

#### **5.1.3 Management policies**

- (1) In regulating uses in the High-Intensity environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed-use developments. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.
- (2) Full use of existing urban areas should be required before expansion of intensive development is allowed.
- (3) Where feasible, visual and physical public access should be required.
- (4) Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
- (5) New development should not cause a net loss of shoreline ecological functions. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with any relevant state or federal laws.

### **5.2 Shoreline Residential**

#### **5.2.1 Purpose**

- (1) The purpose of the Shoreline Residential environment is to accommodate residential development and appurtenant structures that are consistent with the City's Shoreline

Master Program. An additional purpose is to provide appropriate public access and recreational uses.

### **5.2.2 Designation**

- (1) A Shoreline Residential environment designation is assigned to shoreline areas that are predominantly single-family or multifamily residential development or are planned and platted for residential development.

### **5.2.3 Management policies**

- (1) Development in the Shoreline Residential designation should assure no net loss of shoreline ecological functions through the application of development standards.
- (2) Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.
- (3) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

## **5.3 Parks & Recreation**

### **5.3.1 Purpose**

- (1) The primary purpose of the Parks and Recreation environment is to allow for public access and recreation and other compatible uses on publically owned lands, while protecting and restoring the ecological functions of open space, floodplain and other sensitive lands. A secondary purpose is to protect and restore the ecological functions of open space, floodplain and other sensitive lands in public ownership where public access and recreation and other compatible uses would be inappropriate, or such lands in private ownership that should not be more intensively developed.

### **5.3.2 Designation**

- (1) A Parks and Recreation environment designation is assigned to publically owned shoreline areas that are appropriate or planned for public access and recreation development that is compatible with maintaining or restoring the ecological functions of the area.
- (2) A Parks and Recreation environment designation may also be assigned to shoreline areas in public or private ownership that are appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area, if any of the following characteristics apply:
  - A. They are suitable for water-related or water-enjoyment uses;

- B. They are open space, floodplain or other sensitive areas that should not be more intensively developed;
- C. They have potential for ecological restoration;
- D. They retain important ecological functions, even though partially developed; or
- E. They have the potential for development that is compatible with ecological restoration.

### **5.3.3 Management policies**

- (1) On publically owned lands, public access and recreation uses should be the primary allowed uses. Preference should be given to public access and recreation uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term. Public access and recreation uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
- (2) On privately owned lands, uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
- (3) Water-oriented uses should be given priority over nonwater-oriented uses.

## **5.4 Aquatic**

### **5.4.1 Purpose**

- (1) The purpose of the Aquatic environment is to protect, restore, and manage the unique characteristics and resources of areas waterward of the ordinary high water mark.

### **5.4.2 Designation**

- (1) An Aquatic environment designation is assigned to lands waterward of the ordinary high water mark.

### **5.4.3 Management policies**

- (1) New over-water structures should only be allowed for water-dependent uses, public access, or ecological restoration.
- (2) The size of new overwater structures should be limited to the minimum necessary to support the structure's intended use.

- (3) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of overwater facilities should be encouraged.
- (4) Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in regulation 6.3(3) as necessary to assure no net loss of ecological functions.
- (5) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

## 6 GENERAL REGULATIONS

### 6.1 Archaeological & historic resources

- (1) **Applicability.** Archaeological and historical resources provisions apply to archaeological and historic resources that are recorded at the Washington State Department of Archaeology and Historic Preservation and/or by the City, or have been inadvertently uncovered.
- (2) **Known archaeological resources.** Permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.
- (3) **Uncovered archaeological resources.** Developers and property owners shall immediately stop work and notify the City, the Washington State Department of Archaeology and Historic Preservation, and affected Indian tribes if archaeological resources are uncovered during excavation.

### 6.2 Critical areas

- (1) **Applicability.** Critical areas include the following areas and ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.
- (2) **Critical areas within shoreline jurisdiction.** Critical areas within shoreline jurisdiction are regulated by the regulations contained in Appendix B of the City's Shoreline Master Program. Although the regulations in Appendix B are nearly identical to the City's general critical areas regulations, key differences exist. If there are conflicts between the regulations contained in Appendix B and the regulations contained in the rest of the City's Shoreline Master Program, those that are the most protective of shoreline ecological functions shall apply.

### 6.3 Environmental protection

- (1) **No net loss of ecological functions.** Individual uses and developments shall not result in a net loss of shoreline ecological functions. Individual uses and developments are required to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the City's Shoreline Master Program or other applicable regulations.
- (2) **Mitigation sequence analysis, when required.** If a proposed shoreline use or modification is entirely addressed by specific, objective standards (such as buffer distances) contained in the City's Shoreline Master Program, then the mitigation sequence analysis described in regulation 6.3(3) is not required. In the following circumstances, a project applicant must provide a mitigation sequence analysis as described in regulation 6.3(3):
  - A. If a proposed shoreline use or modification is addressed in any part by discretionary standards (such as standards requiring a particular action "if feasible" or requiring the minimization of development size) contained in the City's shoreline regulations, then the mitigation sequence analysis is required for the discretionary standard(s).
  - B. When an action requires a shoreline conditional use permit or shoreline variance permit.
  - C. When specifically required by a provision in the City's Shoreline Master Program.
- (3) **Mitigation sequence analysis.** An applicant required to complete a mitigation sequence analysis pursuant to regulation 6.3(2) must describe how the proposal will follow the below mitigation sequence. Application of the mitigation sequence must achieve no net loss of ecological functions for each new development and not have a significant adverse impact on other shoreline functions fostered by the policy of the Shoreline Management Act. Mitigation measures are listed in descending order of priority. Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable. Mitigation in excess of that necessary to ensure that development will result in no net loss of ecological functions will not be required, but may be voluntarily performed.
  - A. Avoid the impact altogether by not taking a certain action or parts of an action;
  - B. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  - C. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
  - D. Reduce or eliminate the impact over time by preservation and maintenance operations;



- E. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
  - F. Monitor the impact and the compensation projects and taking appropriate corrective measures.
- (4) **Compensatory mitigation.** When compensatory measures are appropriate pursuant to the mitigation sequence analysis described in regulation 6.3(3):
- A. Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized.
  - B. Compensatory mitigation measures must be maintained over the life of the use or development.
  - C. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.
- (5) **Mitigation plan.** When compensatory measures are appropriate, the applicant must develop and implement a mitigation plan prepared by a qualified professional. A mitigation plan must include, at a minimum:
- A. A description of the existing shoreline environment.
  - B. A description of anticipated impacts.
  - C. A description of how the mitigation plan addresses anticipated impacts, with supporting rationale.
  - D. Drawings showing existing and proposed conditions.
  - E. Measurable performance standards for evaluating the success of the mitigation plan.
  - F. A contingency plan identifying potential courses of action if performance standards are not being met.
  - G. A five-year maintenance and monitoring program, including:
    - 1. A schedule for maintenance and monitoring.
    - 2. A schedule for the submission of monitoring reports to the City to document milestones, successes, problems, and contingency actions.
    - 3. A discussion of how monitoring data will be evaluated to determine if performance standards are being met.

4. A longer maintenance and monitoring program when determined necessary by the Shoreline Administrator to ensure success of the mitigation, due to complexity or anticipated timeline for vegetation establishment.

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H. Financial guarantees to ensure the mitigation plan is fully implemented.

## 6.4 Flood hazard reduction

- (1) **Applicability.** Flood hazard reduction provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.
- (2) **Development in floodplains.** Development in floodplains must not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to RCW 86.12 (provided the plan has been adopted after 1994 and approved by Ecology).
- (3) **New development or uses, including subdivisions.** New development or uses in shoreline jurisdiction, including the subdivision of land, must not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway during the life of the development or use.
- (4) **Uses and activities within the channel migration zone or floodway.** The following uses and activities may be authorized where appropriate and/or necessary within the channel migration zone or floodway:
  - A. Actions that protect or restore the ecosystem-wide processes or ecological functions, including development with a primary purpose of protecting or restoring ecological functions and/or ecosystem-wide processes.
  - B. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.
  - C. Bridges, utility lines, outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of the watershed.

- D. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
  - E. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
  - F. Development where structures exist that prevent active channel movement and flooding.
  - G. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.
- (5) **Structural flood hazard reduction measures.**
- A. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by Ecology that evaluates cumulative impacts to the watershed system, if such a plan is in effect.
  - B. New structural flood hazard reduction measures in shoreline jurisdiction may be allowed only when demonstrated by a scientific and engineering analysis that they are necessary to protect existing development and that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions will be undertaken consistent with Section 6.6, Vegetation conservation.
  - C. New structural flood hazard reduction measures must be placed landward of associated wetlands and applicable shoreline buffers, except for actions that increase ecological functions, such as wetland restoration; provided that such flood hazard reduction projects be authorized only if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements must be documented through a geotechnical and hydrological analysis.
  - D. New structural public flood hazard reduction measures, such as dikes and levees, must dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

- (6) **Removal of gravel for flood management purposes.** The removal of gravel for flood management purposes must be consistent with an adopted flood hazard reduction plan and the City's Shoreline Master Program, and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

## 6.5 Public access

- (1) **Applicability.** Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.
- (2) **Conditions when required.** Except as provided in regulations 6.5(5) and 6.5(6), shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:
  - A. A development or use will create increased demand for public access to the shoreline.
  - B. A development or use will interfere with an existing public access way. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby access.
  - C. New non-water-oriented uses are proposed.
  - D. A use or activity will interfere with public use of lands or waters subject to the public trust doctrine.
  - E. Where a commercial or industrial use is proposed for location on land in public ownership.
- (3) **When required for public entities.** Shoreline development by public entities, state agencies, and public utility districts shall include public access measures as part of each shoreline development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
- (4) **When required for residential development.** New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access. Public access shall not be required for single-family residential development of four or fewer lots.
- (5) **When not required.** Public access shall not be required where one or more of the following conditions apply.

- A. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.
  - B. Constitutional or other legal limitations may apply.
  - C. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
  - D. The cost of providing the access, easement or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
  - E. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result from the public access.
  - F. Significant unavoidable conflict between any access regulations and the proposed use and adjacent uses would occur and cannot be mitigated.
- (6) **Reasonable alternatives.** To meet any of the conditions in regulation 6.5(5), the applicant must first demonstrate and the City determine in its findings that all reasonable alternatives to provide public access have been exhausted, including, but not limited to:
- A. Regulating access by such means as maintaining a gate and/or limiting hours of use.
  - B. Separating uses and activities (e.g. fences, terracing, use of one-way glazings, hedges, landscaping, etc.).
  - C. Developing access at a site geographically separated from the proposal such as a street end, vista or trail system.
  - D. Sharing the cost of providing and maintaining public access between public and private entities.
- (7) **Projects that meet the criteria of regulation 6.5(6).** Projects that meet the criteria of regulation 6.5(6) may be required to either build off-site public access facilities or, if established and approved by the Shoreline Administrator, contribute to a local public access fund.
- (8) **Preparation of written findings.** When provisions for public access are required as a condition of project approval, the Shoreline Administrator shall prepare written findings demonstrating consistency with constitutional and legal practices regarding private property and the principles of nexus and proportionality.
- (9) **Dedication of land or a physical improvement.**
- A. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area or other area serving as a means of view and/or physical approach to public waters. It may include interpretive centers and displays.

- B. Minimum width of public access easements shall be at least 12 feet, unless the Shoreline Administrator determines that undue hardship to the proponent would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
- (10) **Recorded via a legal instrument.** Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Klickitat County Auditor's Office prior to the time of building permit approval, occupancy or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
- (11) **Location and design criteria.** Public access shall meet the following location and design criteria:
- A. A public pedestrian access walkway is required where open space is provided along the shoreline, and public access can be provided in a manner that will not adversely impact shoreline ecological processes and functions. The walkway shall be buffered from sensitive ecological features and provide limited and controlled access to the water's edge where appropriate. Fencing may be used to control damage to plants and other sensitive ecological features. Trails shall be constructed of permeable materials and limited to five feet in width to reduce impacts to ecologically sensitive resources.
  - B. Where views of the water or shoreline are available and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.
  - C. Public access shall be located adjacent to other public areas, access points and connecting trails and connected to the nearest public street.
  - D. Development over water shall be constructed as far landward as possible to reduce interference with views to the shoreline from surrounding properties.
  - E. Appropriate amenities such as benches, picnic tables and public parking sufficient to serve the users shall be provided. Public restrooms, facilities for disposal of animal waste, and other appropriate public facilities shall be required at developments that attract a substantial number of persons.
  - F. New development shall be located and designed to avoid or minimize adverse impacts to views from public property.
  - G. Intrusions on privacy shall be minimized by avoiding locations adjacent to windows and outdoor private open spaces or by screening or other separation techniques.
  - H. Public access design shall provide for the safety of users to the extent feasible.

- I. The standard state-approved logo or other locally approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant or owner in conspicuous locations at public access sites.
- (12) **At time of occupancy.** Required public access sites shall be fully developed and available for public or community use at the time of occupancy of the shoreline development.
- (13) **Maintenance.** Maintenance of the public access facility over the life of the use or development shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the Klickitat County Auditor's Office.
- (14) **Shoreline street ends and public right-of-ways.** Public access provided by existing shoreline street ends and public right-of-ways shall be preserved, maintained and enhanced consistent with RCW 35.79.035 and RCW 36.87.130.
- (15) **No net loss of ecological functions.** Public access improvements shall be constructed and maintained in a manner that does not result in a net loss of shoreline ecological functions.

## 6.6 Vegetation conservation

- (1) **Applicability.** Vegetation conservation includes activities to protect vegetation along or near shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions apply throughout shoreline jurisdiction.
- (2) **Existing vegetation.** Vegetation conservation standards do not apply retroactively to existing legally established uses and developments. Vegetation associated with such uses and developments may be maintained.
- (3) **Shoreline buffers.** Requirements for shoreline buffers are specified in Appendix B, Table B3-1.
- (4) **Vegetation removal.**
  - A. Vegetation removal must be limited to the minimum necessary to accommodate approved shoreline development. Mitigation sequencing per regulation 6.3(3) must be applied unless specifically excluded by other shoreline provisions, so that the design and location of the structure or development minimizes short- and long-term vegetation removal. The City may approve modifications or require site plan alterations to achieve maximum vegetation retention.
  - B. Where vegetation removal conducted consistent with this section results in adverse impacts to shoreline ecological function, new developments or site alterations are required to develop and implement a mitigation plan unless specifically excluded by

other shoreline provisions. Examples of actions that may result in adverse impacts include:

1. Removal of native trees, shrubs or groundcovers;
  2. Removal of non-native trees or shrubs that overhang aquatic areas or stabilize slopes; or
  3. Removal of native or non-native trees or shrubs that disrupts an existing vegetation corridor connecting the property to other critical areas or buffers.
- (5) **Pruning of trees for views.** Selective pruning of trees for views is allowed. Selective pruning of trees for views does not include removal of understory vegetation, and must not compromise the health of the tree.
- (6) **Hazard trees.** Hazard trees may be removed if the hazard cannot be eliminated by pruning, crown thinning, or other technique that maintains some habitat function. Hazard tree removal may be mitigated without a mitigation plan by conversion of the hazard tree to a wildlife snag or the installation of a similar tree. Native tree removal in shoreline jurisdiction must be mitigated by the installation of a similar native tree at a 1:1 impact to mitigation ratio. Non-native tree removal in shoreline buffers must be mitigated by installation of a native or suitable non-native tree at a 1:1 impact to mitigation ratio. All mitigation trees shall be preferentially placed in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas.
- (7) **Noxious weeds.** Hand removal or spot spraying of noxious weeds included on the Washington State Noxious Weed List as a Class A, B or C weed on shorelands outside of steep or unstable slope areas is allowed.
- (8) **Aquatic weed control.** Aquatic weed control may only occur to address adverse impacts to native plant communities, fish and wildlife habitats, or existing water-dependent uses. Aquatic weed control shall occur in compliance with applicable laws and standards. Removal using mechanical methods is preferred over chemical methods.
- (9) **Mitigation plans for vegetation removal.** Mitigation plans for vegetation removal must be prepared by a qualified professional and must contain information required in regulation 6.3(5). In addition, such mitigation plans must include the following standards, as applicable.
- A. Performance standards shall require 100 percent survival in year 1, with 100 percent tree survival and 80 percent shrub and groundcover survival at the end of the monitoring period.
  - B. Tree removal in shoreline jurisdiction must be mitigated by installation of a similar native tree at a 1:1 impact to mitigation ratio. Non-native tree removal in shoreline buffers must be mitigated by installation of a native or suitable non-native tree at a



1:1 impact to mitigation ratio. All mitigation trees shall be preferentially placed in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas.

## 6.7 Water quality & quantity

- (1) **Applicability.** Water quality and quantity provisions apply to all development and uses in shoreline jurisdiction that could adversely affect water quality and quantity.
- (2) **Prevent impacts.** The design, construction and operation of shoreline uses and developments shall incorporate measures, including but not limited to best management practices, to prevent impacts to surface water and groundwater quality and quantity that would result in a net loss of shoreline ecological functions or in a significant impact to aesthetic qualities or recreational opportunities.
- (3) **Stormwater management structures.** Stormwater management structures, including but not limited to ponds, basins, and vaults, shall be located outside of shoreline jurisdiction where possible, as far from the ordinary high water mark as feasible, and shall minimize disturbance of vegetation conservation buffers.
- (4) **Materials.** All materials that may come in contact with water shall be constructed of materials, such as untreated or approved treated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals.
- (5) **Chemicals.** Pesticides, herbicides, and fertilizers must be applied in a manner that minimizes direct or indirect entrance into nearby waters. The usage of chemicals in water must be in accordance with all applicable agency standards.

## 7 SHORELINE USE & MODIFICATION REGULATIONS

### 7.1 General shoreline use & modification regulations

- (1) **Applicability.** The regulations in this section apply to all shoreline uses and modifications.
- (2) **Shoreline use and modification matrix.** Table 7-1 indicates shoreline uses and modifications that may be allowed or are prohibited in shoreline jurisdiction within each environment designation. Shoreline uses and modifications are classified in the matrix as indicated below. Uses and modifications that may be allowed according to the matrix must in all cases be consistent with all other applicable parts of the City's Shoreline Master Program in order to be authorized by the City.
  - A. Uses and modifications that may be allowed by a shoreline substantial development permit or exemption are indicated by a "P" on the matrix.

- B. Uses and modifications that may be allowed by a shoreline conditional use permit are indicated by a "C" on the matrix.
- C. Uses and modifications that are not allowed are indicated by an "X" on the matrix.
- D. Uses and modifications that are not applicable to an environment designation are indicated by an "NA" on the matrix.

**Table 7-1. Shoreline use & modification matrix**

	High Intensity	Shoreline Residential	Parks & Recreation	Aquatic
<b>Agriculture</b>	P	P	P	NA
<b>Aquaculture</b>	X	X	X	C
<b>Boating facilities</b>	X	X	X	X
<b>Commercial development</b>	P	X	X <sup>1</sup>	X
<b>Dredging &amp; dredge material disposal</b>				
Dredging, for reduction of flood hazards or restoration	P	P	P	P
Dredging, other	C	C	C	C
Dredge material disposal, inside CMZ	C	C	C	C
Dredge material disposal, outside CMZ	P	P	P	NA
<b>Fill &amp; excavation</b>				
Fill	P	P	P	C <sup>2</sup>
Excavation	P	P	P	NA
<b>Flood hazard reduction measures</b>	C	C	C	C
<b>Forest practices</b>	X	X	X	X
<b>Industrial development</b>	P	X	X	X
<b>In-stream structures</b>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>
<b>Mining</b>	X	X	X	X
<b>Recreational development</b>	X	P	P	Same as upland designation
<b>Residential development</b>	C	P	P	X
<b>Shoreline habitat &amp; natural systems enhancement projects</b>	P	P	P	P

	High Intensity	Shoreline Residential	Parks & Recreation	Aquatic
<b>Shoreline stabilization</b>				
New hard stabilization	C	C	C	C
New soft stabilization	P	P	P	P
Repair and replacement	P	P	P	P
<b>Transportation &amp; parking</b>	P	P	P	P
<b>Utilities</b>				
Production and processing facilities	P	P	P	P
Transmission facilities	P	P	P	P
Utilities, accessory	Reviewed as part of primary use	Reviewed as part of primary use	Reviewed as part of primary use	Reviewed as part of primary use
<sup>1</sup> Seasonal, low-impact commercial developments such as farmers markets and vendor stalls may be allowed by a shoreline substantial development permit or exemption.				
<sup>2</sup> Fills waterward of the ordinary high water mark for ecological restoration may be allowed by a shoreline substantial development permit or exemption.				
<sup>3</sup> Structures installed to protect or restore ecological functions, such as woody debris installed in streams, may be allowed by a shoreline substantial development permit or exemption.				

- (3) **Unlisted uses.** Any new uses or modifications not explicitly listed or comparable to those included in Table 7-1 shall be reviewed through a shoreline conditional use permit.
- (4) **Height limitation.**
- A. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level, except if approved through a shoreline variance permit.
  - B. To exceed 35 feet, an applicant must apply for a shoreline variance permit, and comply with the following criteria in addition to the shoreline variance permit criteria:
    1. Overriding considerations of the public interest will be served.
    2. The view of a substantial number of residences on areas adjoining shorelines will not be obstructed.

## 7.2 Agriculture

- (1) **Applicability.** Agriculture provisions apply to new agricultural activities on land not meeting the definition of agricultural land, the conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities. The City's Shoreline Master Program does not require modification of or limit agricultural activities occurring on agricultural lands.
- (2) **New agricultural activities.** New agricultural activities are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use. New agricultural activities must assure that uses and developments in support of agricultural uses are:
  - A. Consistent with the environment designation in which the land is located.
  - B. Located and designed to assure no net loss of ecological functions and to not have a significant adverse impact on other shoreline resources and values.
- (3) **Best management practices.** New agricultural activities and agricultural facilities shall employ applicable best management practices established by the US Department of Agriculture Natural Resources Conservation Service or by similar agencies.
- (4) **Nonagricultural development and conversion to nonagricultural uses.** Development on agricultural land that does not meet the definition of agricultural activities and the conversion of agricultural land to nonagricultural uses shall be consistent with the environment designation and the general and specific use regulations applicable to the proposed use, and shall not result in a net loss of ecological functions associated with the shoreline.

## 7.3 Aquaculture

- (1) **Where allowed.** Aquaculture is allowed as a conditional use in the Aquatic environment where it can be located, designed, constructed, and managed to avoid all of the following: a net loss of shoreline ecological functions, spreading diseases to native aquatic life, and significantly conflicting with public access.
- (2) **Best management practices.** Aquaculture facilities must identify and use best management practices to minimize impacts such as light and noise from the construction and management of the facilities.
- (3) **New aquatic species.** New aquatic species that have not been previously cultivated in Washington State shall not be introduced into City waters without prior written approval of the Director of the Washington State Department of Fish and Wildlife and the Director of the Washington State Department of Health.

- (4) **Wastes.** Aquaculture wastes shall be disposed of in a manner compliant with all applicable governmental waste disposal standards. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.
- (5) **Rights of treaty tribes.** The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the project proponent and the affected tribe(s) through the permit review process.

#### 7.4 Boating facilities

- (1) **Prohibited.** Boating facilities, including, but not limited to, piers and docks, shall be prohibited within the City's shoreline jurisdiction.

#### 7.5 Commercial development

- (1) **Use preference.** Preference shall be given first to water-dependent commercial uses over nonwater-dependent commercial uses; and second, to water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses.
- (2) **Appropriate design and operational elements.** Commercial uses that may be authorized as water-related or water-enjoyment uses must incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.
- (3) **Nonwater-oriented commercial uses, when allowed.** Nonwater-oriented commercial uses are allowed on the shoreline if consistent with one or more of the following criteria:
  - A. The use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration;
  - B. If the site is physically separated from the shoreline by another property or public right-of-way; or
  - C. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration.
- (4) **No net loss of ecological functions or significant adverse impacts.** Commercial development must not result in a net loss of shoreline ecological functions or have significant adverse impacts to other shoreline uses, resources and values such as recreation and public access.

- (5) **Public access.** Commercial development shall provide public access if required by Section 6.5, Public Access.
- (6) **Nonwater-oriented commercial uses over water.** Nonwater-dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

## 7.6 Dredging & dredge material disposal

- (1) **Applicability.** As regulated by the City's Shoreline Master Program, dredging is the removal of bed material from below the ordinary high water mark or wetlands using other than unpowered, hand-held tools for one of the allowed dredging activities listed in regulation 7.6(3) below. Dredging and dredge material disposal provisions are not intended to cover other removals of bed material waterward of the ordinary high water mark or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline crossings). Such in-water substrate modifications should be conducted pursuant to applicable general and specific use and modification regulations of the City's Shoreline Master Program.
- (2) **New development.** New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
- (3) **Dredging, when allowed.** Dredging may be allowed for the following purposes when significant ecological impacts are minimized and mitigation is provided:
  - A. Development, expansion and maintenance of essential public facilities when there are no feasible alternatives.
  - B. Reduction of flood hazards when consistent with an approved flood hazard management plan.
  - C. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
- (4) **Dredging for fill material.**
  - A. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions.
  - B. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high water mark. The project must be associated with either a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

- (5) **Dredge material disposal, when allowed.** Dredge material disposal, both upland and in-water, may be approved, provided:
- A. The dredge material disposal complies with at least one of the following:
    - 1. The dredge material disposal has been evaluated by the US Army Corps of Engineers' Dredge Management Material Program; or
    - 2. The dredge material disposal is consistent with the guidance from the US Army Corps of Engineers/Environmental Protection Agency publication, Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual (EPA842-B-07-001, October 2007, or as amended).
  - B. A qualified professional demonstrates that the dredge material disposal will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood-holding capacity, natural drainage and water circulation patterns, significant plant communities, or shoreline public access.
- (6) **Avoid, minimize, and mitigate.** Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts, and impacts that cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions.
- A. Dredging shall be confined to the minimum area necessary to accomplish the intended purpose or use.
  - B. Dredging and dredge disposal shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities and other water-dependent uses.
- (7) **Agency approvals.** Dredging and dredge material disposal must be approved by all state and federal agencies with jurisdiction. Copies of all such approvals must be provided to the City.
- (8) **Maintenance of upland dredge material disposal sites.** Approved upland dredge disposal sites may conduct site management activities, such as regular clearing and grading, as specified in agency approval documents. Such activities will be regulated as maintenance activities under the City's Shoreline Master Program, provided there are no impacts to water quality or other ecological functions outside of the dredge material disposal area. Vegetation clearing on a dredge disposal site shall not require compensatory mitigation.

## 7.7 Fill & excavation

- (1) **When fills and excavations allowed, upland.** Upland fills and excavations may be allowed provided they are:
  - A. Part of an allowed shoreline use or modification.
  - B. Located outside applicable buffers, unless specifically allowed.
- (2) **When allowed, waterward of the ordinary high water mark.** Fills waterward of the ordinary high water mark shall be allowed only when necessary to support:
  - A. A water-dependent or public access use.
  - B. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.
  - C. Disposal of dredged material considered suitable under, and conducted in accordance with the Dredged Material Management Program of the Department of Natural Resources.
  - D. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.
  - E. A mitigation, environmental restoration, beach nourishment or enhancement project.
- (3) **Protection of shoreline ecological functions.** Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
- (4) **Design.** All fills and excavations, except when for the purpose of shoreline restoration, must be designed:
  - A. To be the minimum size necessary to implement the allowed use or modification.
  - B. To fit the topography so that minimum alterations of natural conditions will be necessary.
  - C. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.
- (5) **Fill material.** Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material with a minimum potential to degrade water quality and shall be obtained from a state-authorized source.
- (6) **Temporary erosion and sediment control plan.** A temporary erosion and sediment control plan, including best management practices, shall be provided for all proposed fill



and excavation activities. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.

- (7) **Excavation below the ordinary high water mark or in wetlands.** Excavation below the ordinary high water mark or in wetlands using other than unpowered, hand-held tools, except removals of bed material that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline stabilization measure), shall be considered dredging and be subject to the regulations in Section 7.6, Dredging and dredge material disposal.

## 7.8 Forest practices

- (1) **Prohibited.** New forest practices shall be prohibited within the City's shoreline jurisdiction.

## 7.9 Industrial development

- (1) **Use preference.** Preference shall first be given to water-dependent industrial uses over nonwater-dependent industrial uses; and second, to water-related industrial uses over nonwater-oriented industrial uses.
- (2) **Nonwater-oriented industrial development.** New nonwater-oriented industrial development is allowed on the shoreline if consistent with one or more of the following criteria:
  - A. The use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration;
  - B. If the site is physically separated from the shoreline by another property or public right-of-way; or
  - C. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration.
- (3) **No net loss of ecological functions or significant adverse impacts.** Industrial development must be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.
- (4) **Public access.** Industrial development shall provide public access if required by Section 6.5, Public access.

### 7.10 In-stream structures

- (1) **Consideration of public interests.** The location and planning of in-stream structures shall give due consideration to the full range of public interests, including, but not limited to, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
- (2) **Protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources.** In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

### 7.11 Mining

- (1) **Prohibited.** New mining shall be prohibited within the City's shoreline jurisdiction.

### 7.12 Recreational development

- (1) **Applicability.** Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public.
- (2) **Features.** Recreational uses and facilities located within shoreline jurisdiction shall include features related to access to, enjoyment of, and use of shorelines of the state.
- (3) **Consistency with environment designation and no net loss.** Public recreational developments shall be located, designed, and operated in a manner consistent with the purpose of the environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes results.

### 7.13 Residential development

- (1) **Applicability.** Residential development consists of single-family and multifamily development, including the creation of new residential lots through land division.
- (2) **Land division.** The creation of new residential lots through land division must:
  - A. Be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.
  - B. Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

- (3) **Access, utilities, and public services.** Access, utilities, and public services must be available and adequate to serve the development.
- (4) **Set back from steep slopes and shorelines vulnerable to erosion.** Residential development, including appurtenant structures and uses, shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements are not required to protect such structures and uses during the life of the development.
- (5) **Public access.** Residential development shall provide public access if required by regulation 6.5(4).
- (6) **Over-water residences.** Over-water residences, including floating homes, are prohibited.
- (7) **No net loss of shoreline ecological functions.** No net loss of shoreline ecological functions shall result from residential development.

#### 7.14 Shoreline habitat & natural systems enhancement projects

- (1) **Applicability.** Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines. Shoreline habitat and natural systems enhancement projects may include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
- (2) **Approved plan.** Shoreline habitat and natural system enhancement projects must be carried out in accordance with an approved shoreline restoration plan.
- (3) **Scientific and technical information and best management practices.** Shoreline restoration and enhancement projects shall be designed using the most current, accurate, and complete scientific and technical information available, and implemented using best management practices.
- (4) **Other shoreline uses, resources and values.** Shoreline habitat and natural systems must not result in substantial interference with other shoreline uses, resources and values such as recreation and public access.
- (5) **Maintenance and monitoring.** Long-term maintenance and monitoring (minimum of three years) shall be arranged by the project applicant and included in shoreline habitat and natural system enhancement project proposals.
- (6) **Relief from shift in the ordinary high water mark.** When a shoreline habitat and natural systems enhancement project causes or would cause a landward shift in the ordinary high

water mark resulting in a hardship, affected property owners are advised to consult with the City to assess whether and how relief may be granted under RCW 90.58.580.

## 7.15 Shoreline stabilization

- (1) **Subdivision.** Subdivision of land must be based on a geotechnical report prepared in accordance with regulation 7.15(6) to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur.
- (2) **New development.**
  - A. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.
  - B. New development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical report prepared in accordance with regulation 7.15(6).
  - C. New development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
- (3) **New or enlarged structural stabilization measures, when allowed.** New or enlarged structural stabilization measures shall not be allowed except as follows.
  - A. To protect existing primary structures, when all of the conditions below apply.
    1. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical report prepared in accordance with regulation 7.15(6), that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing or shoreline erosion itself, without a geotechnical report, is not demonstration of need. The geotechnical report shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed.
    2. The erosion control structure will not result in a net loss of shoreline ecological functions.
  - B. In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply.

1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
  2. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report prepared in accordance with regulation 7.15(6). The damage must be caused by natural processes, such as currents and waves.
  4. The erosion control structure will not result in a net loss of shoreline ecological functions.
- C. In support of water-dependent development, when all of the conditions below apply.
1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
  2. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report prepared in accordance with regulation 7.15(6).
  4. The erosion control structure will not result in a net loss of shoreline ecological functions.
- D. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105D, when all of the conditions below apply.
1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  2. The erosion control structure will not result in a net loss of shoreline ecological functions.
- (4) **Replacement of existing structural stabilization measures.** For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures. An existing shoreline stabilization structure may be replaced with a similar structure if in accordance with the following.

- A. There is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves.
  - B. The replacement structure must be designed, located, sized, and constructed to assure no net loss of ecological functions.
  - C. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
- (5) **Repair and maintenance.** Repair and maintenance includes modifications to an existing shoreline stabilization measure that are designed to ensure the continued function of the measure by preventing failure of any part. Repair and maintenance of existing shoreline stabilization measures may be allowed, subject to the following provisions. While repair and maintenance of shoreline stabilization structures may meet the criteria for exemption from a shoreline substantial development permit, such activity is not exempt from the provisions of the City's Shoreline Master Program.
- A. If within a three-year time period, more than 50 percent of the length of an existing structure is removed, including its footing or bottom course of rock, prior to placement of new stabilization materials, such work will not be considered repair and maintenance and shall be considered replacement. Work that only involves the removal of material above the footing or bottom course of rock does not constitute replacement.
  - B. Any additions to or increases in the size of existing shoreline stabilization measures, including the placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure, shall be considered new structures, not maintenance or repair.
  - C. Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.
- (6) **Geotechnical reports.** Geotechnical reports pursuant to this section shall meet the definition of a "geotechnical report" as established in Chapter 2, Definitions, and comply with the following provision, as applicable.
- A. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.
- (7) **Design of structural stabilization measures.**

- A. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses. Hard armoring solutions shall not be authorized except when a geotechnical report prepared in accordance with regulation 7.15(6) confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.
- B. The size of stabilization measures shall be limited to the minimum necessary.
- C. Measures shall be used to assure no net loss of shoreline ecological functions.
- D. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
- E. Avoid and, if that is not possible, minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, the local governments should coordinate shoreline management efforts.
- F. Publicly financed or subsidized shoreline erosion control measures must not restrict appropriate public access to the shoreline except where such access is determined to be infeasible in accordance with regulation 6.5(5). Where feasible, ecological restoration and public access improvements shall be incorporated into projects.

## 7.16 Transportation & parking

- (1) **Planning, location, and design.** Transportation and parking facilities and routes must be planned, located, and designed to have the least possible adverse effect on unique or fragile shoreline features, to not result in a net loss of shoreline ecological functions, and to not adversely impact existing or planned water-dependent uses.
  - A. Where other options are available and feasible, new roads or road expansions shall not be built within shoreline jurisdiction.
  - B. Crossings shall occur as near to perpendicular with the waterbody as possible, unless an alternate path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands.
- (2) **Parking facilities.** Parking facilities in shorelines are not a preferred use and are subject to the following provisions:
  - A. Parking shall be allowed only as necessary to support an authorized use.

- B. Parking shall be sited outside of shoreline jurisdiction unless no feasible alternative location exists.
- C. Parking shall be located landward of the use served, if feasible.
- D. Parking shall be planted or landscaped to provide a visual and noise buffer if adjoining dissimilar uses or scenic areas.

## 7.17 Utilities

- (1) **Applicability.** Utilities provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.
- (2) **Production and processing facilities.** Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities, that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.
- (3) **Transmission facilities.** Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions.
- (4) **Existing right-of-ways and corridors.** Utilities shall be located in existing right-of-ways and corridors whenever possible.
- (5) **Crossings.** Where utility corridors must cross shoreline jurisdiction, such crossings shall take the shortest, most direct route feasible, unless such a route would result in loss of ecological function, disrupt public access to the shoreline, or obstruct visual access to the shoreline.
- (6) **Design and location.** All utility facilities shall be designed and located to assure no net loss of shoreline ecological functions.
- (7) **Post-installation.** Upon completion of utility system installation, and any maintenance project, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide appropriate vegetative cover.



## 8 ADMINISTRATION, PERMITS & ENFORCEMENT

### 8.1 Administrative responsibilities

- (1) **Shoreline Administrator.** The Shoreline Administrator for the City is the Public Works Director or his/her designee. The Shoreline Administrator is vested with the authority to:
  - A. Administrate the City's Shoreline Master Program.
  - B. Advise interested persons and prospective applicants as to the administrative procedures and related components of the City's Shoreline Master Program.
  - C. Determine applicable fees and collect fees for all necessary permits as provided in City ordinances or resolutions.
  - D. Make field inspections as needed, and prepare or require reports on shoreline permit applications.
  - E. Make administrative decisions and interpretations of the policies and regulations of the City's Shoreline Master Program and the Shoreline Management Act.
  - F. Grant or deny exemptions from shoreline substantial development permit requirements.
  - G. Grant or deny shoreline substantial development permits and time extensions to shoreline permits and their revisions.
  - H. Make written recommendations to the Planning Commission or City Council as appropriate. The Shoreline Administrator may recommend amendments to the City's Shoreline Master Program to the Planning Commission and City Council.
  - I. Issue a stop work order pursuant to the procedure set forth in WAC 173-27-270 upon a person undertaking an activity on shorelines in violation of RCW 90.58 or the City's Shoreline Master Program, and seek remedies for alleged violations of the City's Shoreline Master Program, provisions of the Shoreline Management Act, or conditions attached to a shoreline permit issued by the City.
- (2) **State Environmental Policy Act official.** The responsible State Environmental Policy Act official or his/her designee is authorized to conduct environmental review of all use and development activities subject to the City's Shoreline Master Program, pursuant to WAC 197-11 and RCW 43.21C. The responsible State Environmental Policy Act official is designated in accordance with the City's State Environmental Policy Act implementation ordinance.
- (3) **Board of Adjustment.** The Board of Adjustment shall have the authority to:
  - A. Grant or deny shoreline conditional use permits.

- B. Grant or deny shoreline variance permits.
- C. Decide on appeals of administrative decisions issued by the Shoreline Administrator.
- (4) **Planning Commission.** The Planning Commission is vested with the responsibility to review the City's Shoreline Master Program as part of regular updates required by RCW 90.58.080, and make recommendations for amendments to the City Council.
- (5) **City Council.** The City Council is vested with authority to:
  - A. Initiate an amendment to City's Shoreline Master Program according Section 8.13, Amendments.
  - B. Adopt all amendments to City's Shoreline Master Program. Amendments shall become effective 14 days from the date of Ecology's written notice of final approval.

## 8.2 Nonconforming uses, lots & structures

- (1) **Abatement or termination.**
  - A. A nonconforming use if changed to a conforming use may not thereafter be changed back to a nonconforming use.
  - B. A nonconforming use, when discontinued or abandoned for a period of 12 consecutive calendar months, shall not be resumed.
  - C. The land from which any nonconforming structure has been removed shall be subsequently used in conformity with the applicable regulations.
  - D. A nonconforming structure if destroyed, damaged or has incurred a loss equal to or greater than 75 percent of its assessed or appraised value shall thereafter conform to the provisions of the City's Shoreline Master Program.
  - E. A nonconforming structure which has been damaged or incurred a loss less than 75 percent shall have no more than 12 months in which to resume activity or rebuild or the nonconformance shall be considered to be terminated and shall not be resumed.
- (2) **Enlargement.**
  - A. The enlargement of a nonconforming use to any portion of an existing building, which portion was designed and built for such nonconforming use prior to the passage of the City's Shoreline Master Program may be permitted, provided no structural alterations are made.
  - B. Structures that were legally established and are used for a conforming use but which are nonconforming only with regard to dimensional standards in the City's Shoreline Master Program may be enlarged or expanded without obtaining a shoreline variance permit provided that said enlargement does not increase the extent of

nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses under the City's Shoreline Master Program.

- C. Moving of a nonconforming use to contiguous lots is prohibited.
- (3) **Repairs, maintenance and safety.** Repairs and maintenance work may be undertaken on a nonconforming structure to the extent that such repair and maintenance does not exceed ten percent of the assessed value of the structure within a period of 12 consecutive months. Nothing shall prevent the City from requiring repairs on any nonconforming structure to protect the public health and safety. Maintenance work and repair on a nonconforming structure shall conform to all revisions, modifications and amendments to the City building codes.
- (4) **Pre-existing legal residential structures.** Notwithstanding the above regulations of this section, the following shall apply only to pre-existing legal residential structures constructed prior to the effective date of the City's Shoreline Master Program:
- A. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following shall be considered a conforming structure: setback, buffers, or yards; area; bulk; height; or density.
  - B. The City shall allow redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the City's Shoreline Master Program, including requirements for no net loss of shoreline ecological functions.
  - C. For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.
  - D. Nothing in this section shall:
    - 1. Restrict the ability of the City's Shoreline Master Program to limit redevelopment, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or
    - 2. Affect the application of other federal, state, or City requirements to residential structures.

### 8.3 Exemptions

- (1) **Application and interpretation of exemptions.**

- A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the shoreline substantial development permit process.
  - B. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the Shoreline Management Act or the City's Shoreline Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the provisions of the City's Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a shoreline conditional use pursuant to City's Shoreline Master Program or is an unlisted use, must obtain a shoreline conditional use permit even though the development or use does not require a shoreline substantial development permit. When a development or use is proposed that does not comply with the dimensional or performance standards of the City's Shoreline Master Program, such development or use can only be authorized by approval of a shoreline variance, unless otherwise provided in the City's Shoreline Master Program.
  - C. The burden of proof that a development or use is exempt from the permit process is on the applicant.
  - D. If any part of a proposed development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed development.
  - E. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and the City's Shoreline Master Program.
- (2) **Exempt developments.** The City shall exempt from shoreline substantial development permit requirements the shoreline developments listed in WAC 173-27-040(2); RCW 90.58.030(3)(e); RCW 90.58.140(9); RCW 90.58.147; RCW 90.58.355; and RCW 90.58.515.
- (3) **Letter of exemption.** The City shall issue a letter of exemption when required by WAC 173-27-050. Otherwise, the exemption status shall be documented in the project application file.

#### 8.4 Exceptions

- (1) City review is not required for those projects listed either in WAC 173-27-044, "Developments not required to obtain shoreline permits or local review" or in WAC 173-27-045, "Developments not subject to the Shoreline Management Act."

**Commented [DN5]:** Recommended clarification from SMF Periodic Checklist 2017(c)

### **8.48.5 Shoreline permit application requirements**

- (1) **Shoreline permit application requirements.** A complete application for a shoreline permit shall contain, as a minimum, the following information, as well as any other application requirements identified in the City's Shoreline Master Program.
- A. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
  - B. The name, address and phone number of the applicant's representative if other than the applicant.
  - C. The name, address and phone number of the property owner, if other than the applicant.
  - D. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
  - E. Identification of the name of the shoreline (waterbody) with which the site of the proposal is associated. This should be the waterbody from which jurisdiction of the Shoreline Management Act over the project is derived.
  - F. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
  - G. A general description of the property as it now exists including its physical characteristics and improvements and structures.
  - H. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
  - I. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text that shall include:
    - 1. The boundary of the parcel(s) of land upon which the development is proposed.
    - 2. The ordinary high water mark of all waterbodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water

mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

3. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
  4. A delineation of all wetland areas that will be altered or used as a part of the development.
  5. A general indication of the character of vegetation found on the site.
  6. The dimensions and locations of all existing and proposed structures and improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
  7. Where applicable, a landscaping plan for the project.
  8. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
  9. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
  10. Quantity, composition and destination of any excavated or dredged material.
  11. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
  12. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
- (2) **Additional requirements for shoreline variance permit applications.** On all shoreline variance permit applications, the plans shall clearly indicate where development could occur without approval of a shoreline variance permit, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

### **8-58.6 Shoreline permit application notice requirements**

- (1) **Applicability.** The City shall notify the public, Ecology, and other agencies with jurisdiction of applications for a shoreline permit. Notification pursuant to this section may be carried out as a part of an integrated City permit notification procedure.
- (2) **Notice of application.** The City shall provide notice of application within 14 days after the determination of completeness as provided in RCW 36.70B.070, and include the following in whatever sequence or format the City deems appropriate:
  - A. The date of application, the date of the notice of completion for the application, and the date of the notice of application.
  - B. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, RCW 36.70B.090 and WAC 173-27-180.
  - C. The identification of other permits not included in the application, to the extent known by the City.
  - D. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, the location where the application and any studies can be reviewed.
  - E. A statement of the public comment period, which shall be not less than 30 days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The City may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit.
  - F. The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application.
  - G. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency.
  - H. Any other information determined appropriate by the City.
- (3) **Open record predecision hearing.** If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project permit(s), the notice of application shall be provided at least 15 days prior to the open record hearing.

- (4) **Notification of general public and property owners.** The City shall give notice to the general public and property owners in the vicinity by at least one of the following methods:
  - A. Mailing of the notice to the latest recorded real property owners as shown by the records of the County assessor within at least 300 feet of the boundary of the property upon which the development is proposed;
  - B. Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken; or
  - C. Any other manner deemed appropriate by the City to accomplish the objectives of reasonable notice to adjacent landowners and the public.
- (5) **Notification of individuals and organizations.** The City shall provide for timely notification of individuals and organizations that request such notice in writing.
- (6) **Notification of agencies.** The City shall provide notice to all agencies with jurisdiction per RCW 43.21C and to all other agencies that request in writing any such notice.

#### **8.68.7 Special shoreline permit procedures for limited utility extensions & bulkheads**

- (1) **Limited utility extension.** For purposes of this section, a "limited utility extension" means the extension of a utility service that:
  - A. Is categorically exempt under RCW 43.21C RCW for one or more of the following: natural gas, electricity, telephone, water, or sewer;
  - B. Will serve an existing use in compliance with the City's Shoreline Master Program; and
  - C. Will not extend more than 2,500 linear feet within the shorelines of the state.
- (2) **Time periods and procedures.** An application for a shoreline substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all other applicable requirements, except that the following time periods and procedures shall be used:
  - A. The public comment period shall be 20 days. The notice provided shall state the manner in which the public may obtain a copy of the City's decision on the application no later than two days following its issuance.
  - B. The City shall issue its decision to grant or deny the permit within 21 days of the last day of the comment period.



- C. If there is an appeal of the decision to grant or deny the permit to the City government legislative authority, the appeal shall be finally determined by the legislative authority within 30 days.

## **8.78.8 Shoreline permit review criteria**

### **8.7.18.8.1 Review criteria for all development**

- (1) **Consistency.** No authorization to undertake use or development on shorelines of the state shall be granted by the City unless upon review the use or development is determined to be consistent with the provisions of the Shoreline Management Act and the City's Shoreline Master Program.

### **8.7.28.8.2 Review criteria for shoreline substantial development permits**

- (1) **Authorization criteria.** A shoreline substantial development permit shall be granted only when the development proposed is consistent with:
  - A. The policies and procedures of the Shoreline Management Act;
  - B. The provisions of this regulation; and
  - C. The City's Shoreline Master Program.
- (2) **Conditions.** The City may attach conditions to the approval of permits as necessary to assure consistency of the project with the Shoreline Management Act and the City's Shoreline Master Program.

### **8.7.38.8.3 Review criteria for shoreline conditional use permits**

- (1) **Applicability.** The purpose of a shoreline conditional use permit is to provide a system within the City's Shoreline Master Program that allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a shoreline conditional use, special conditions may be attached to the permit by the City or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Shoreline Management Act and the City's Shoreline Master Program.
- (2) **Authorization criteria.** Uses which are classified or set forth in the City's Shoreline Master Program as shoreline conditional uses may be authorized provided that the applicant demonstrates all of the following:
  - A. That the proposed use is consistent with the policies of RCW 90.58.020 and the City's Shoreline Master Program;
  - B. That the proposed use will not interfere with the normal public use of public shorelines;

- C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the City's Shoreline Master Program;
  - D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  - E. That the public interest suffers no substantial detrimental effect.
- (3) **Consideration of cumulative impacts.** In the granting of all shoreline conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- (4) **Uses not classified.** Other uses which are not classified or set forth in the City's Shoreline Master Program may be authorized as shoreline conditional uses provided the applicant can demonstrate consistency with the requirements of this section.
- (5) **Prohibited uses.** Uses which are specifically prohibited by the City's Shoreline Master Program may not be authorized.

#### **8.7.48.8.4 Review criteria for shoreline variance permits**

- (1) **Applicability.** The purpose of a shoreline variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the City's Shoreline Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the City's Shoreline Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- (2) **Circumstances.** Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- (3) **Authorization criteria, landward of ordinary high water mark.** Shoreline variance permits for development and/or uses that will be located landward of the ordinary high water mark, as defined in RCW 90.58.030(2)(c), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

City of Goldendale  
Shoreline Master Program

- A. That the strict application of the bulk, dimensional or performance standards set forth in the City's Shoreline Master Program precludes, or significantly interferes with, reasonable use of the property;
  - B. That the hardship described in regulation 8.7.4(3)A is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the City's Shoreline Master Program, and not, for example, from deed restrictions or the applicant's own actions;
  - C. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the City's Shoreline Master Program and will not cause adverse impacts to the shoreline environment;
  - D. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
  - E. That the variance requested is the minimum necessary to afford relief; and
  - F. That the public interest will suffer no substantial detrimental effect.
- (4) **Authorization criteria, waterward of ordinary high water mark.** Variance permits for development and/or uses that will be located waterward of the ordinary high water mark, as defined in RCW 90.58.030(2)(c), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
- A. That the strict application of the bulk, dimensional or performance standards set forth in the City's Shoreline Master Program precludes all reasonable use of the property;
  - B. That the proposal is consistent with the criteria established under regulation 8.7.4(3)(B) through regulation 8.7.4(3)(F); and
  - C. That the public rights of navigation and use of the shorelines will not be adversely affected.
- (5) **Consideration of cumulative impacts.** In the granting of all shoreline variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if shoreline variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the shoreline variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- (6) **Variances from use.** Variances from the use regulations of the City's Shoreline Master Program are prohibited.

## **8.88.9 Filing with Ecology**

- (1) **Submittal upon final decision.** All applications for a permit or a permit revision shall be submitted to Ecology upon a final decision by the City. Final decision by the City shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed.
- (2) **Concurrent submittals.** When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.
- (3) **Submittal requirements.** A complete submittal shall consist of the following documents and information:
  - (a) A copy of the complete application pursuant to Section 8.5, Shoreline permit application requirements;
  - (b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable policies and regulations of the City's Shoreline Master Program and the consistency of the project with appropriate review criteria for the type of permit(s) as established in Section 8.7, Shoreline permit review criteria;
  - (c) The final decision of the City;
  - (d) The permit data sheet required by WAC 173-27-190; and
  - (e) Where applicable, the City shall also file the applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.
- (4) **Project modification during City review.** When the project has been modified in the course of the City review process, plans or text shall be provided to Ecology that clearly indicate the final approved plan.
- (5) **Incomplete submittals.** Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when all of the documents required pursuant to regulation 8.8(3) and regulation 8.8(4) have been received by Ecology. If Ecology determines that the submittal does not contain all of the documents and information required by this section, Ecology shall identify the deficiencies and so notify the City and the applicant in writing. Ecology will not act on conditional use permit or variance submittal until the material requested in writing is submitted to Ecology.

- (8) **Notice of “date of filing.”** Ecology shall provide a written notice to the City and the applicant of the “date of filing.”
- (9) **Transmittal of decision.** Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with Ecology and the attorney general.
- (10) **Appeals.** When a permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided by the City to Ecology. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the City, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan and the City shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with regulation (3) to Ecology for completion of the file on the permit. The purpose of this provision is to assure that City and Ecology files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.

#### **8.98.10 Time requirements of shoreline permits**

- (1) **Applicability.** The time requirements of this section shall apply to all shoreline permits authorized by the City's Shoreline Master Program.
- (2) **Different time limits.** Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the provisions of City's Shoreline Master Program, the City may adopt different time limits from those set forth in regulation 8.9(3) and regulation 8.9(4) as a part of action on a substantial development permit.
- (3) **Commencement.** Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of the shoreline permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the shoreline permit and to Ecology.
- (4) **Termination.** Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the shoreline permit and to Ecology.
- (5) **Effective date.** The effective date of a substantial development permit shall be the date of receipt as provided in RCW 90.58.140(6). The permit time periods in regulation 8.9(3) and

regulation 8.9(4) do not include the time during which a use or activity was not actually pursued due to pending administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

- (6) **Revisions.** Revisions to permits may be authorized after original permit authorization has expired, provided that this procedure shall not be used to extend the original permit time requirements or to authorize shoreline substantial development after the time limits of the original permit.
- (7) **Notification to Ecology.** The City shall notify Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

#### **8.108.11 Shoreline permit revisions**

- (1) **Applicability.** A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the City's Shoreline Master Program and/or the policies and provisions of RCW 90.58. Changes that are not substantive in effect do not require approval of a revision.
- (2) **Description of proposed changes.** When an applicant seeks to revise a permit, the City shall request from the applicant detailed plans and text describing the proposed changes.
- (3) **Approval of revisions.** If the City determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the City's Shoreline Master Program and the Shoreline Management Act, the City may approve a revision. If the revision, or the sum of the revision and any previously approved revisions, are not within the scope and intent of the original permit, the City shall require that the applicant apply for a new permit.
  - A. "Within the scope and intent of the original permit" means all of the following:
    - 1. No additional over water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or ten percent from the provisions of the original permit, whichever is less;
    - 2. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the City's Shoreline Master Program except as authorized under a shoreline variance granted as the original permit or a part thereof;
  4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the City's Shoreline Master Program;
  5. The use authorized pursuant to the original permit is not changed; and
  6. No adverse environmental impact will be caused by the project revision.
- (4) **Revisions after original permit authorization has expired.** Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes that are consistent with this section and that would not require a permit for the development or change proposed under the terms of RCW 90.58, this regulation and the City's Shoreline Master Program. If the proposed change constitutes substantial development then a new permit is required. Provided, this regulation shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
- (5) **Filing and notification.** The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. In addition, the City shall notify parties of record of their action.
- (6) **Revisions to shoreline conditional use permits and shoreline variance permits.** If the revision to the original permit involves a shoreline conditional use permit or shoreline variance permit, the City shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this regulation. Ecology shall render and transmit to the City and the applicant its final decision within 15 days of the date of Ecology's receipt of the submittal from the City. The City shall notify parties of record of Ecology's final decision.
- (7) **Effective date.** The revised permit is effective immediately upon final decision by the City or, when appropriate under regulation 8.10(6), upon final action by Ecology.
- (8) **Appeals.** Appeals shall be in accordance with RCW 90.58.180 and shall be filed within 21 days from the date of receipt of the City's action by Ecology or, when appropriate under regulation 8.10(6), the date Ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of regulation 8.10(3)(A) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful

in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

#### **8.118.12 Requests for review of final permit decisions**

- (1) **Requests for review.** All requests for review of any final permit decisions under RCW 90.58 and WAC 173-27 are governed by the procedures established in RCW 90.58.180 and WAC 461-08.

#### **8.128.13 Enforcement**

- (1) **Noncompliance.** Noncompliance with any section of the City's Shoreline Master Program may result in enforcement actions. The Shoreline Administrator, as administrator of the City's Shoreline Master Program, is authorized to enforce all of the provisions of the City's Shoreline Master Program. The Shoreline Administrator may request the assistance of the police department and/or building department, and in such instances they shall have full powers pursuant to the Goldendale Municipal Code and other chapters to enforce the City's Shoreline Master Program. Any person or entity violating the provisions of the City's Shoreline Master Program is punishable pursuant to the procedures set forth in WAC 173-27 Part II, Shoreline Management Act Enforcement; the Goldendale Municipal Code; and Chapter 7.80 RCW.
- (2) **Citizen complaints.** Citizen complaints may be submitted to code enforcement. The complaint shall be submitted on violation/complaint forms provided by the code enforcement officer. The violation/complaint forms shall include sufficient factual information on which to substantiate the complaint, and shall reference the sections of the code which have been violated. The form should be accompanied by any available, relevant evidence, such as photographs of the violation, maps and/or reports.

#### **8.138.14 Amendments**

- (1) **Process.** Amendments to the City's Shoreline Master Program shall be processed according to the procedures prescribed in WAC 173-26-100.

#### **8.148.15 Shoreline activity tracking**

- (1) **Documentation of City shoreline project review actions.** The City shall document all project review actions in shoreline jurisdiction, including shoreline substantial development permits, shoreline conditional use permits, shoreline variance permits and shoreline exemptions.



- (2) **Periodic evaluation.** The City shall conduct a review of the City's Shoreline Master Program once every eight years, or as required by RCW 90.58.080. Using the information collected per regulation 8.14(1), the City shall evaluate the cumulative effects of authorized development on shoreline conditions.

### **8.158.16 Annexation**

- (1) **Annexation of shoreline areas.** City annexation of shoreline areas are subject to the requirements of WAC 173-26-150 and WAC 173-26-160.
- (2) **Predesignation.** The City has predesignated environments on shorelines located outside of its existing incorporated boundaries but within its urban growth area. The shoreline environment designations for predesignated areas and all other components of the City's Shoreline Master Program shall take effect concurrent with annexation.

**AGENDA BILL: D-2**

**AGENDA TITLE: ORDINANCE NO. 1530**

**DATE: SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE\_\_\_\_\_ COUNCIL INFORMATION\_\_\_\_\_

RESOLUTION\_\_\_\_\_ OTHER\_\_\_\_\_ Public Hearing

MOTION\_\_\_\_\_

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**EXPLANATION:** ORDINANCE NO. 1530 IS AN ORDINANCE OF THE CITY OF GOLDENDALE, WASHINGTON, AMENDING THE GOLDENDALE MUNICIPAL CODE (GMC) CHAPTER 17.20 HIGHWAY COMMERCIAL DISTRICT (HC) SECTIONS 17.20.020 and 17.20.040, CHAPTER 17.22 GENERAL COMMERCIAL DISTRICT (C-2), SECTION 17.22.020 and 17.22.040, AND CHAPTER 17.26 MIXED COMMERCIAL DISTRICT (C-3), SECTIONS 17.26.020 and 17.26.040.

The purpose of this ordinance is to change RV Parks from outright permitted use to a conditional to give the public an opportunity to comment on any proposed applications prior to approval.

The intent of this public hearing is to consider public comments prior to adoption.

**AGENDA TITLE:    CONSENT AGENDA**

**DATE:                    SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE_____	COUNCIL INFORMATION_____X_____
RESOLUTION_____	OTHER_____
MOTION_____X_____	

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**EXPLANATION:**

The consent agenda includes the following:

Minutes of the September 5, 2023 regular council meeting, first pay period September checks #57341 – 57349, 901662, direct deposit 9/5/2023 in the amount of \$96,973.64, 9/14/2023 claims checks #57339 – 57340, 57350 – 57398, 901663 - 901666 in the amount of \$266,561.99.

**FISCAL IMPACT:**

Payroll checks in the amount of \$96,973.64, claims checks in the amount of \$266,561.99.

**ALTERNATIVES:**

Approve the consent agenda.

Remove certain items from the consent agenda for further discussion.

**STAFF RECOMMENDATION:**

Approve the consent agenda

**MOTION:**

**I MOVE TO APPROVE THE CONSENT AGENDA.**

**GOLDENDALE CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 5, 2023  
6:00 PM**

Mayor for a day Brent Fuentes called to order the regular meeting of the Goldendale City Council followed by the Pledge of Allegiance.

**ROLL CALL**

**Council Present:** Mayor Michael A Canon (Not voting), Mayor For a Day Brent Fuentes (Not Voting) Council Member Dave Jones, Council Member Loren Meagher, Council Member Ellie Casey, Council Member Andy Halm, Council Member Filiberto Ontiveros, Council Member Miland Walling,

**Staff Present (Not Voting):** City Administrator Pat Munyan, Clerk Treasurer Sandy Wells, Police Chief Mike Smith, Fire Chief Noah Halm

**Motion:** I move to excuse Council Member Steve Johnston, **Action:** Motion, **Moved by** Council Member Andy Halm, **Seconded by** Council Member Ellie Casey  
Motion Passed Unanimously

**CLOSED PUBLIC COMMENT**

Roger Nichols wanted to know the mayor of the days name.

**PUBLIC HEARING**

**Wastewater Improvement Project**, in 2020 a combined General Sewer Plan and Wastewater Facilities Plan for the City of Goldendale was completed by RH-2 Engineering Inc. and is current and still relevant to the City's wastewater collection and infrastructure needs. Improvements to the WWTP facilities are proposed, including the influent grit removal, aeration, and solids handling systems. The current grit removal system provides inadequate grit removal, aeration, and solids handling systems.

Over the past two years the city has been working with RH Engineering Inc, to develop design plans to correct the deficiencies. During planning and review of the proposed project, the city determined that a SEPA checklist review would be required. On March 15, 2023, after completion of a SEPA environmental checklist, the city issued a determination of non-significant. The city notified all pertinent agencies with jurisdiction and expertise on such matters as they may relate to the proposed project and potential impacts to the environment. Agencies were provided a 14-day comment period which closed-on April 5, 2023 (no relevant comments were received).

The intent of this public hearing is to provide the public with the opportunity to make comments on the proposed project.

Council Member Loren Meagher wanted to know what the life cycle is for the next phase of this project and what the next improvement will be. Pat Munyan, these are the

required for grant. The design is under review with the Department of Ecology. I will get a project update for you.

Public Hearing Closed 6:07pm

## **AGENDA AND CONSENT AGENDA**

**Motion:** I move to approve the agenda and consent agenda, **Action:** Motion, **Moved by** Council Member Andy Halm, **Seconded by** Council Member Dave Jones.  
Motion Passed Unanimously

## **PRESENTATIONS**

**Fire Wise Presentation by Filberto Ontiveros,** Filberto Ontiveros, Jeff King, Frank Hewey and Fire Chief Noah Halm presented information on what goes into preparedness and response to wildland fires. What steps can be taken by council members to prepare for large incidents and what each of us as citizens and neighbors can do to reduce fire risk in our community.

## **DEPARTMENT REPORTS**

**Police Chief Mike Smith,** GPD (Goldendale Police Department) is up to 2180 calls year to date. We have increased the patrol at the Parks. All the GPD vehicles have been restriped with the new logo. We are almost fully staffed.

**Fire Chief Noah Halm** spoke during the presentations and had nothing new to add.

**City Administrator Pat Munyan** set up an ordinance committee meeting Friday 8<sup>th</sup> at 2:00pm. Public Works workers were at training this last week in Yakima. Pat gave the council an update on the Wastewater Treatment Plant telemetry issues and their resolve. We are in union negotiations with the non-uniformed employees, and I am preparing several documents for that. The water CPI the council requested is complete. Angela is out of their office until the end of the month for me to get another copy of their report. Erik from RH2 can come down and do an update on the WWTP project.

## **COUNCIL BUSINESS**

**Water Service, Outside City Connection Request by Pat Munyan,** Pursuant to RCW 43.20.260, In approving the water system plan of a public water system, the department shall ensure that water service to be provided by the system under the plan for any new industrial, commercial, or residential use is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter [36.70A](#) RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area. A municipal water supplier, as defined in RCW [90.03.015](#), has a duty to provide retail water service within its retail service area if: (1) Its service can be available in a timely and reasonable manner; (2) the municipal water supplier has sufficient water rights to provide the service; (3) the municipal water supplier has sufficient capacity to serve the water in a safe and reliable manner as determined by the department of health; and (4) it is consistent with the requirements of any comprehensive plans or development regulations adopted under

chapter [36.70A](#) RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area and, for water service by the water utility of a city or town, with the utility service extension ordinances of the city or town.

In 1912, as it relates to this parcel and topic, the city entered into a mutual agreement to trade a water connection for a waterline easement across the property. See attached documents.

Council Member Filiberto would like on the applications that come before the council that the council will be informed that the property is in the service area.

**Motion:** I move to approve the water connection application pursuant to the terms provided in the September 9<sup>th</sup>, 1912, Agreement, **Action:** Motion, **Moved by** Council Member Filiberto Ontiveros, **Seconded by** Council Member Andy Halm.  
Motion Passed Unanimously

Council Member Filiberto would like a report that shows how many connections our water system can provide.

Council Member Miland Walling would like the Ordinance Committee to review the service area and report that finding back to the council.

## **ORDINANCES**

**Ordinance No 1528 by Pat Munyan and Sandy Wells**, Ordinance No 1528 it to correct appropriations in several funds from their approved estimates, which includes cash carryover to match the financial records in the City's accounting system.

**Motion:** I move to approve Ordinance No 1528 correcting Ordinance no 1524, which is the 2023 Budget, to correct appropriations, **Action:** Motion, **Moved by** Council Member Dave Jones, **Seconded by** Council Member Ellie Casey.  
Motion Passed Unanimously

**Ordinance No 1529 by Pat Munyan and Sandy Wells**, Ordinance No. 1524, which is the 2023 Budget, and providing for increased appropriations for the current expense funds, park fund, economic development fund, drug enforcement and investigation fund, tourism fund, and water/wastewater fund. Staff will be present to discuss.

Council Member Loren Meagher would like a breakdown of the cost for community days.

**Motion:** I move to approve Ordinance No 1529 amending Ordinance No 1524, which is the 2023 budget, increasing appropriations in several funds as presented, **Action:** Motion, **Moved by** Council Member Andy Halm, **Seconded by** Council Member Miland Walling.  
Motion Passed Unanimously

## **REPORT OF OFFICERS**

**Council Member Dave Jones**, this is the 50<sup>th</sup> Anniversary of the Observatory on October 14<sup>th</sup>, 2023. There will also be the date of the next solar eclipse.

**Council Member Filiberto Ontiveros** thanked the speakers that presented the fire preparedness. Filiberto will be out of town at the next council meeting.

**Council Member Miland Walling** liked meeting the mayor of the day and would like that program to continue.

**Council Member Filiberto Ontiveros** would like us to add to the agenda for next time to have a motion to create a committee to recognize certain individuals in the community that does outstanding community service?

**Mayor Mike Canon** appreciated all the support for the mayor of the day Brent Fuentes. Our report of officers is more of a discussion than a formal request and we also need to make sure the things that we say are appropriate for council. If there is a complaint or question, that should be going to the mayor outside of the council meeting. Our words during open council have had an impact on all city staff. Everyone is trying to do their best and we shouldn't be criticizing individuals during a council meeting.

We got an email from Mid-Columbia Economic Development. The representative that has representative Goldendale has retired. I would like us to appointment Miland Walling in his place. The council came to a consensus.

## **PUBLIC COMMENT**

**No Comment**

## **ADJOURNMENT**

**7:40 PM**

**Motion: I motion to Adjourn the meeting, Action: Motion, Moved by Council Member Andy Halm, Seconded by Council Member Ellie Casey  
Motion passed unanimously.**



Michael A Canon, Mayor



Sandy Wells, Clerk-Treasurer

# Register

Fiscal: 2023  
Deposit Period: 2023 - Sept 2023  
Check Period: 2023 - Sept 2023 - 1st Council Sept 2023

Number	Name	Print Date	Clearing Date	Amount
<b>1st Security Bank of Washington</b>				
<b>Check 20016310</b>				
57339	Peterson CAT	8/31/2023		\$890.68
57340	Umpqua Bank	9/1/2023		\$6,895.25
57350	Klickitat County Clerk	9/7/2023		\$240.00
57351	Republic Services Inc	9/11/2023		\$903.36
57352	Hattenhauer Energy Co LLC	9/12/2023		\$1,583.92
57353	Maria Hutchins	9/12/2023		\$3,900.00
57354	Allyns Building Center	9/18/2023		\$869.47
57355	Andrew O'connor	9/18/2023		\$105.83
57356	Aramark Uniform Serv Inc	9/18/2023		\$477.17
57357	Basin Feed & Supply	9/18/2023		\$15.04
57358	Book Nook, The	9/18/2023		\$37.63
57359	Carquest Auto Parts	9/18/2023		\$384.02
57360	Centurylink NC	9/18/2023		\$15.84
57361	Christopher R Lanz Law Office LLC	9/18/2023		\$420.00
57362	Clifford & Martin Inc	9/18/2023		\$16.31
57363	David Brotherton	9/18/2023		\$112.50
57364	Emergency Vehicle Solutions LLC	9/18/2023		\$4,145.69
57365	FCS Group	9/18/2023		\$3,252.21
57366	Ferguson Portland Waterworks #3011	9/18/2023		\$2,120.76
57367	Fitzjarrald Law Office	9/18/2023		\$6,000.00
57368	Goldendale Chamber	9/18/2023		\$3,615.50
57369	Goldendale City of	9/18/2023		\$5,242.54
57370	Goldendale Sentinel	9/18/2023		\$883.47
57371	Gorge Family Health	9/18/2023		\$90.00
57372	Holcombs Market	9/18/2023		\$24.28
57373	Jane Granum	9/18/2023		\$10.00
57374	Jennifer Minor	9/18/2023		\$8,687.11
57375	Josie Madsen	9/18/2023		\$5.35
57376	Klickitat County Health Dept	9/18/2023		\$140.00
57377	Klickitat County PUD	9/18/2023		\$17,436.68
57378	L N Curtis & Sons	9/18/2023		\$685.20
57379	L Paul Schneider Ph.D., ABPP	9/18/2023		\$475.00
57380	Leo Lucatero	9/18/2023		\$73.72
57381	Linda K Gouge Attorney at Law	9/18/2023		\$2,107.50
57382	Menke Jackson Beyer LLP	9/18/2023		\$3,367.06
57383	Norco Inc	9/18/2023		\$54.65

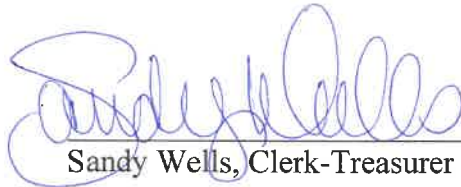


Number	Name	Print Date	Clearing Date	Amount
57384	One Call Concepts Inc	9/18/2023		\$18.19
57385	Optimist Printers	9/18/2023		\$190.29
57386	Pioneer Surveying & Engineering Inc	9/18/2023		\$3,785.00
57387	Precision Service and Electric LLC	9/18/2023		\$3,225.75
57388	Radcomp Technologies	9/18/2023		\$7,042.95
57389	RH2 Engineering Inc	9/18/2023		\$16,852.32
57390	Schuknecht's Polygraph Service	9/18/2023		\$200.00
57391	Sound Water Services	9/18/2023		\$3,672.00
57392	Thomas Fitzgibbons	9/18/2023		\$1,080.00
57393	Verizon Wireless	9/18/2023		\$40.68
57394	Vic's Auto & Supply	9/18/2023		\$50.26
57395	Vision Municipal Solutions LLC	9/18/2023		\$1,972.06
57396	WA St Dept of Health	9/18/2023		\$137,525.40
57397	Wasco County	9/18/2023		\$5,647.92
57398	Wild Daffodil Sewing	9/18/2023		\$150.50
901663	HSA Bank Employee Plan Funding	9/5/2023		\$13.50
901664	Invoice Cloud	8/1/2023		\$290.40
901665	PAYA	9/5/2023		\$1,642.17
901666	WA St Dept of Revenue	9/14/2023		\$7,878.86
<b>Total</b>				<b>\$266,561.99</b>
<b>Total</b>				<b>\$266,561.99</b>
<b>Grand Total</b>				<b>\$266,561.99</b>

**CITY OF GOLDENDALE  
CLAIMS REGISTER**

I, the undersigned, do hereby certify that the materials have been furnished, the services rendered, or the labor performed as shown on Check numbers 57339 through 57340, 57350 – 57398, 901663 - 901666 in the amount of \$266,561.99, and unpaid obligations against the City of Goldendale, Washington and that I am authorized to certify said claims.

DATED this 18 day of September, 2023.



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Sandy Wells, Clerk-Treasurer

# Register Activity

Fiscal: 2023  
Period: 2023 - Sept 2023  
Council Date: 2023 - Sept 2023 - 1st Council Sept 2023

Reference	Date	Amount	Notes
<b>Reference Number: 57339</b>	<b>Peterson CAT</b>	<b>\$890.68</b>	
PC160062915	7/11/2023	\$682.16	Damper, Parts
PC160063161	7/25/2023	\$208.52	Roller Center Parts
<b>Reference Number: 57340</b>	<b>Umpqua Bank</b>	<b>\$6,895.25</b>	
Invoice - 9/1/2023 8:56:42 AM	8/15/2023	\$6,895.25	Credit Card
<b>Reference Number: 57350</b>	<b>Klickitat County Clerk</b>	<b>\$240.00</b>	
Invoice - 9/7/2023 3:05:23 PM	9/7/2023	\$240.00	Dan Byers Code Enforcement
<b>Reference Number: 57351</b>	<b>Republic Services Inc</b>	<b>\$903.36</b>	
0487-000852843	8/31/2023	\$903.36	Garbage Service
<b>Reference Number: 57352</b>	<b>Hattenhauer Energy Co LLC</b>	<b>\$1,583.92</b>	
CL11440	8/31/2023	\$1,583.92	Fuel
<b>Reference Number: 57353</b>	<b>Maria Hutchins</b>	<b>\$3,900.00</b>	
23-2	9/12/2023	\$3,900.00	Consultant Services
<b>Reference Number: 57354</b>	<b>Allyns Building Center</b>	<b>\$869.47</b>	
355991	8/2/2023	\$103.18	Clamp Pads
356010	8/3/2023	\$24.18	Led Bulb
356192	8/7/2023	\$20.70	Bathroom Cleaner
356394	8/9/2023	\$64.48	Clamp Pads
356440	8/10/2023	\$28.99	Chainsaw File
356477	8/11/2023	\$5.79	Staple
356658	8/15/2023	\$13.84	Steel Wool
356703	8/15/2023	\$11.81	Contractor Solvent
356780	8/17/2023	\$48.36	Expandable Hose
356892	8/21/2023	\$78.08	Sealant, Ball Valve, Bushing ect
356931	8/21/2023	(\$17.51)	Ball Valve, Credit
356967	8/22/2023	\$99.71	Paint Brush, Tray
356968	8/22/2023	\$280.79	Grinder, supplies
356975	8/22/2023	\$10.74	Ballcock
356990	8/22/2023	\$16.75	Concrete Mix
357148	8/25/2023	\$9.21	Sealant, Drill
357149	8/25/2023	\$7.51	Pipe
357276	8/29/2023	\$23.10	Shovel

Reference	Date	Amount	Notes
<b>Reference Number: 57354</b>	<b>Allyns Building Center</b>		
<u>357366</u>	8/31/2023	<b>\$869.47</b>	
		\$39.76	Tarp
<b>Reference Number: 57355</b>	<b>Andrew O'connor</b>	<b>\$105.83</b>	
<u>Invoice - 9/13/2023 5:11:49 PM</u>	8/31/2023	\$105.83	Travel Expenses
<b>Reference Number: 57356</b>	<b>Aramark Uniform Serv Inc</b>	<b>\$477.17</b>	
<u>5291281456</u>	8/1/2023	\$23.44	Cleaning Supplies
<u>5291281460</u>	8/1/2023	\$49.04	Uniforms
<u>5291281461</u>	8/1/2023	\$32.61	Coveralls, Mat, Cleaning Supplies
<u>5291281463</u>	8/1/2023	\$16.67	Cleaning Supplies
<u>5291285313</u>	8/8/2023	\$23.44	Cleaning Supplies
<u>5291285317</u>	8/8/2023	\$49.36	Uniforms
<u>5291285318</u>	8/8/2023	\$32.61	Coveralls, Mat, Cleaning Supplies
<u>5291285320</u>	8/8/2023	\$16.67	Cleaning Supplies
<u>5291289881</u>	8/15/2023	\$23.44	Cleaning Supplies
<u>5291289885</u>	8/15/2023	\$43.80	Uniforms
<u>5291289886</u>	8/15/2023	\$32.61	Coveralls, Mat, Cleaning Supplies
<u>5291289888</u>	8/15/2023	\$16.67	Cleaning Supplies
<u>5291294041</u>	8/22/2023	\$23.44	Cleaning Supplies
<u>5291294045</u>	8/22/2023	\$44.09	Uniforms
<u>5291294046</u>	8/22/2023	\$32.61	Coveralls, Mat, Cleaning Supplies
<u>5291294048</u>	8/22/2023	\$16.67	Cleaning Supplies
<b>Reference Number: 57357</b>	<b>Basin Feed &amp; Supply</b>	<b>\$15.04</b>	
<u>99941</u>	8/29/2023	\$15.04	Gloves
<b>Reference Number: 57358</b>	<b>Book Nook, The</b>	<b>\$37.63</b>	
<u>681061</u>	8/23/2023	\$37.63	Shadow Box
<b>Reference Number: 57359</b>	<b>Carquest Auto Parts</b>	<b>\$384.02</b>	
<u>4993-655737</u>	8/11/2023	\$6.61	Starter Rope, Brick Cleaner
<u>4993-655828</u>	8/12/2023	\$30.40	Oil Absorb
<u>4993-655942</u>	8/14/2023	\$8.16	Weatherstrip Adhesive
<u>4993-656275</u>	8/17/2023	\$31.43	Washer Head Screws
<u>4993-656456</u>	8/18/2023	\$180.35	Battery
<u>4993-656684</u>	8/21/2023	\$69.49	Tail Light Kit
<u>4993-657060</u>	8/24/2023	\$27.54	Prime Guard
<u>4993-657069</u>	8/24/2023	\$30.04	Air
<b>Reference Number: 57360</b>	<b>Centurylink NC</b>	<b>\$15.84</b>	
<u>Invoice - 9/13/2023 5:37:01 PM</u>	9/13/2023	\$15.84	Long Distance

Reference	Date	Amount	Notes
<b>Reference Number: 57361</b>	<b>Christopher R Lanz Law Office LLC</b>		
1A0256174	8/24/2023	\$420.00	Clifford George
3A0114685	8/24/2023	\$100.00	Scott Newman
3A0533566	8/24/2023	\$120.00	Christopher Wirshup
<b>Reference Number: 57362</b>	<b>Clifford &amp; Martin Inc</b>		
1148308	8/1/2023	\$16.31	Bottle Deposit
1155468	8/29/2023	(\$24.00)	Water Bottles
1158410	8/31/2023	\$27.41	Cooler Rent
<b>Reference Number: 57363</b>	<b>David Brotherton</b>		
23070203	7/2/2023	\$112.50	Pager Programming
23083101	8/5/2023	\$49.50	Pager Programming
<b>Reference Number: 57364</b>	<b>Emergency Vehicle Solutions LLC</b>		
23-1257	6/28/2023	\$4,145.69	Intall Car Mount
<b>Reference Number: 57365</b>	<b>FCS Group</b>		
3791-22305115	5/19/2023	\$3,252.21	Tax Increment Analysis
<b>Reference Number: 57366</b>	<b>Ferguson Portland Waterworks #3011</b>		
1217719	9/1/2023	\$2,120.76	Pipe
<b>Reference Number: 57367</b>	<b>Fitzjarrald Law Office</b>		
2023-G008	9/5/2023	\$6,000.00	Legal Services
<b>Reference Number: 57368</b>	<b>Goldendale Chamber</b>		
1267	9/13/2023	\$3,615.50	August 2023 Reimbursement
<b>Reference Number: 57369</b>	<b>Goldendale City of</b>		
Invoice - 9/13/2023 5:52:45 PM	9/5/2023	\$5,242.54	Water Utilities
<b>Reference Number: 57370</b>	<b>Goldendale Sentinel</b>		
156555	8/24/2023	\$883.47	GPD Clerk Job
156558	8/23/2023	\$150.00	Variance Use Decision
156568	8/30/2023	\$223.08	Incubator Ad
156576	8/30/2023	\$127.08	WWTP Sepa Notice
156577	8/30/2023	\$104.98	Aviation Fuel Notice
156578	9/6/2023	\$223.08	Incubator Ad
<b>Reference Number: 57371</b>	<b>Gorge Family Health</b>		
99576	9/6/2023	\$90.00	CDL Physical - Todd Kindler
<b>Reference Number: 57372</b>	<b>Holcombs Market</b>		
3079920921	8/9/2023	\$24.28	Ice
4032211042	8/10/2023	\$2.09	Scrubber
		\$4.40	

Reference	Date	Amount	Notes
<b>Reference Number: 57372</b>	<b>Holcombs Market</b>	<b>\$24.28</b>	
4046651050	8/15/2023	\$2.09	Ice
4063781202	8/21/2023	\$13.61	Plate, Freezer Bags, Forks, Bowls
4071151036	8/24/2023	\$2.09	Ice
<b>Reference Number: 57373</b>	<b>Jane Granum</b>	<b>\$10.00</b>	
Invoice - 9/13/2023 6:12:06 PM	9/11/2023	\$10.00	Sewing
<b>Reference Number: 57374</b>	<b>Jennifer Minor</b>	<b>\$8,687.11</b>	
Invoice - 9/13/2023 6:14:01 PM	9/13/2023	\$8,687.11	Water Bill Refund
<b>Reference Number: 57375</b>	<b>Josie Madsen</b>	<b>\$5.35</b>	
Invoice - 9/13/2023 6:15:55 PM	9/13/2023	\$5.35	Water Bill Refund
<b>Reference Number: 57376</b>	<b>Klickitat County Health Dept</b>	<b>\$140.00</b>	
INV00026-0723 (2)	7/12/2023	\$140.00	Bateria Testing
<b>Reference Number: 57377</b>	<b>Klickitat County PUD</b>	<b>\$17,436.68</b>	
Invoice - 9/13/2023 6:16:43 PM	9/11/2023	\$17,436.68	Electric Utility
<b>Reference Number: 57378</b>	<b>L N Curtis &amp; Sons</b>	<b>\$685.20</b>	
INV717556	6/23/2023	\$401.02	Uniforms
INV738409	8/21/2023	\$236.69	Pants
INV743382	9/5/2023	\$47.49	Holster
<b>Reference Number: 57379</b>	<b>L Paul Schneider Ph.D., ABPP</b>	<b>\$475.00</b>	
166	8/27/2023	\$475.00	Psychological Evaluation - Cameron Howell
<b>Reference Number: 57380</b>	<b>Leo Lucatero</b>	<b>\$73.72</b>	
Invoice - 9/13/2023 6:26:26 PM	9/13/2023	\$73.72	Refund Long Term Care payments
<b>Reference Number: 57381</b>	<b>Linda K Gouge Attorney at Law</b>	<b>\$2,107.50</b>	
2023 - 1A0100173	8/25/2023	\$1,711.25	Tamara Strasburg
3A0121719. 3A0268383	8/29/2023	\$396.25	Jason Newell
<b>Reference Number: 57382</b>	<b>Menke Jackson Beyer LLP</b>	<b>\$3,367.06</b>	
Invoice - 9/13/2023 6:32:24 PM	8/31/2023	\$1,005.03	Dan Byers
Invoice - 9/13/2023 6:32:56 PM	8/31/2023	\$844.03	Larson- 114 Railroad
Invoice - 9/13/2023 6:33:28 PM	8/31/2023	\$1,518.00	General
<b>Reference Number: 57383</b>	<b>Norco Inc</b>	<b>\$54.65</b>	
38594120	8/31/2023	\$54.65	Cylinder Rental

Reference	Date	Amount	Notes
<b>Reference Number: 57384</b> <u>3089076</u>	<b>One Call Concepts Inc</b> 8/31/2023	<b>\$18.19</b> \$18.19	Locates
<b>Reference Number: 57385</b> <u>57814</u> <u>57815</u> <u>57816</u>	<b>Optimist Printers</b> 6/11/2023 6/11/2023 6/11/2023	<b>\$190.29</b> \$63.43 \$63.43 \$63.43	Bus Cards - Jessica Guthrie Bus Cards - Ed Gunnyon Bus Cards - Mike Smith
<b>Reference Number: 57386</b> <u>22-904-5</u> <u>23-901-2</u>	<b>Pioneer Surveying &amp; Engineering Inc</b> 8/23/2023 8/23/2023	<b>\$3,785.00</b> \$3,230.00 \$555.00	TIB Application Water System Improvements, Hoodview Property line
<b>Reference Number: 57387</b> <u>2023-2044</u> <u>2030</u>	<b>Precision Service and Electric LLC</b> 9/7/2023 8/28/2023	<b>\$3,225.75</b> \$2,725.66 \$500.09	WWTP install jacks WWTP Heat Pump
<b>Reference Number: 57388</b> <u>MSP-100487</u>	<b>Radcomp Technologies</b> 9/5/2023	<b>\$7,042.95</b> \$7,042.95	Sept monthly billing
<b>Reference Number: 57389</b> <u>92538</u> <u>92539</u>	<b>RH2 Engineering Inc</b> 9/14/2023 9/14/2023	<b>\$16,852.32</b> \$200.86 \$16,651.46	Scada Support Services WWTP Improvements
<b>Reference Number: 57390</b> <u>Invoice - 9/14/2023 1:34:30 PM</u>	<b>Schuknecht's Polygraph Service</b> 8/15/2023	<b>\$200.00</b> \$200.00	Howell Polugraph Test
<b>Reference Number: 57391</b> <u>230804-5</u>	<b>Sound Water Services</b> 8/4/2023	<b>\$3,672.00</b> \$3,672.00	Chlorine Briquettes
<b>Reference Number: 57392</b> <u>Invoice - 9/14/2023 1:37:15 PM</u>	<b>Thomas Fitzgibbons</b> 8/31/2023	<b>\$1,080.00</b> \$1,080.00	Animal Control
<b>Reference Number: 57393</b> <u>9943719278</u>	<b>Verizon Wireless</b> 9/6/2023	<b>\$40.68</b> \$40.68	Chlorination Station
<b>Reference Number: 57394</b> <u>082169</u> <u>082259</u> <u>082584</u> <u>082999</u> <u>083281</u> <u>084325</u> <u>84330</u> <u>84342</u>	<b>Vic's Auto &amp; Supply</b> 7/10/2023 7/11/2023 7/15/2023 7/21/2023 7/27/2023 8/14/2023 8/14/2023 8/14/2023	<b>\$50.26</b> (\$140.81) \$5.71 \$14.50 \$19.02 \$22.71 \$17.90 \$22.06 \$30.06	Charger return Adapters Lubric Comp Gasket Maker Holesaw, Hex Shank Weather Strip Adhv Coupling Paint, Magnetic Tool

Reference	Date	Amount	Notes
<b>Reference Number: 57394</b> <u>84833</u>	<b>Vic's Auto &amp; Supply</b> 8/23/2023	<b>\$50.26</b> \$59.11	Drill
<b>Reference Number: 57395</b> <u>09-12987</u> <u>09-13127</u>	<b>Vision Municipal Solutions LLC</b> 7/12/2023 8/31/2023	<b>\$1,972.06</b> \$986.56 \$985.50	July Water Bill Mailing August Water Bill Mailing
<b>Reference Number: 57396</b> <u>3215</u> <u>3216</u> <u>3217</u>	<b>WA St Dept of Health</b> 8/25/2023 8/25/2023 8/25/2023	<b>\$137,525.40</b> \$47,842.67 \$9,556.48 \$80,126.25	Loan 03-65103-017 Loan 05-96300-014 Loan DM12-952-090
<b>Reference Number: 57397</b> <u>GOLD 083023</u>	<b>Wasco County</b> 8/30/2023	<b>\$5,647.92</b> \$5,647.92	Paint Striping
<b>Reference Number: 57398</b> <u>35189</u>	<b>Wild Daffodil Sewing</b> 9/1/2023	<b>\$150.50</b> \$150.50	Flag Repair
<b>Reference Number: 901663</b> <u>W486767</u>	<b>HSA Bank Employee Plan Funding</b> 9/5/2023	<b>\$13.50</b> \$13.50	Service Fee
<b>Reference Number: 901664</b> <u>359-2023_8</u>	<b>Invoice Cloud</b> 8/31/2023	<b>\$290.40</b> \$290.40	Billor Portal Access Fee
<b>Reference Number: 901665</b> <u>Invoice - 9/13/2023 6:38:07 PM</u>	<b>PAYA</b> 9/5/2023	<b>\$1,642.17</b> \$1,642.17	August Credit Card Sales
<b>Reference Number: 901666</b> <u>Invoice - 9/14/2023 3:53:21 PM</u>	<b>WA St Dept of Revenue</b> 9/14/2023	<b>\$7,878.86</b> \$7,878.86	August Excise Tax



# Register

Number	Name	Fiscal Description	Cleared	Amount
57341	Johnston, Steve	2023 - Sept 2023 - 1st Council Sept 2023		\$45.40
57342	Council Trust Acct.	2023 - Sept 2023 - 1st Council Sept 2023		\$906.75
57343	Deferred Comp Program	2023 - Sept 2023 - 1st Council Sept 2023		\$400.00
57344	Dept of Labor & Industries	2023 - Sept 2023 - 1st Council Sept 2023		\$2,270.73
57345	Dept of Retirement	2023 - Sept 2023 - 1st Council Sept 2023		\$11,757.50
57346	Employment Security - PFML	2023 - Sept 2023 - 1st Council Sept 2023		\$480.14
57347	Employment Security - WA Cares Fund	2023 - Sept 2023 - 1st Council Sept 2023		\$405.49
57348	Employment Security Department	2023 - Sept 2023 - 1st Council Sept 2023		\$163.29
57349	Goldendale, City of	2023 - Sept 2023 - 1st Council Sept 2023		\$65.00
901662	City of Goldendale	2023 - Sept 2023 - 1st Council Sept 2023		\$22,840.46
Direct Deposit Run -	Payroll Vendor	2023 - Sept 2023 - 1st Council Sept 2023		\$57,638.88
9/5/2023				<b>\$96,973.64</b>

**AGENDA BILL: F1**

**AGENDA TITLE: UPDATE FROM CHAMBER OF COMMERCE**

**DATE: SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE\_\_\_\_\_ COUNCIL INFORMATION\_\_\_\_\_

RESOLUTION\_\_\_\_\_ OTHER Presentation\_\_\_\_\_

MOTION\_\_\_\_\_

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**EXPLANATION:** Goldendale Chamber of Commerce will be present to give the Goldendale City Council an update on their upcoming activities.

**AGENDA BILL: H-1**

**AGENDA TITLE: AWARD OF CONTACT TO EPIC AVIATION, LLC.**

**DATE: SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE \_\_\_\_\_ COUNCIL INFORMATION \_\_\_\_\_ **X** \_\_\_\_\_

RESOLUTION \_\_\_\_\_ OTHER \_\_\_\_\_

MOTION \_\_\_\_\_ **X** \_\_\_\_\_

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**EXPLANATION:** Staff as complete our request for proposals for delivery of aviation fuel. Epic Aviation was the only bidder at \$4.95 per gallon. Staff proposes to raise the fuel sale up to \$6.26 per gallon, this would be significantly lower than other airports in that area. At this point staff are only requesting council to award the contact to Epic Aviation so that Staff can start drafting the contact to bring back to council for ratification.

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:** Approval

**MOTION:**

**I MOVE AWARD THE FUEL CONTRACT TO EPIC AVIATION AND TO AUTHORIZE STAFF TO PROCEED WITH CONTACT NEGOTIATIONS.**



September 14, 2023

City of Goldendale  
Attn: Patrick Munyan  
1103 S. Columbus  
Goldendale, WA 98620

**SUBJECT: RECOMMENDATION TO AWARD  
GOLDENDALE MUNICIPAL AIRPORT – CITY OF GOLDENDALE  
AVIATION FUEL SUPPLIER**

Dear Mr. Munyan:

One (1) proposal for the above-referenced project was opened and read on Wednesday, September 13th, 2023. We have reviewed the proposal submitted to the City of Goldendale. The apparent qualified proposer is **EPIC AVIATION, LLC**.

It is our opinion that **EPIC AVIATION LLC** submitted a complete proposal. The proposal by EPIC AVIATION, LLC is in conformance with industry standards and current trends in the aircraft fuel supplier market. In addition, no procurement informality has been found that would be cause for rejection of this proposal.

Accordingly, we recommend that the City consider awarding a contract to **EPIC AVIATION, LLC**.

Sincerely,  
**PRECISION APPROACH ENGINEERING, INC.**

A handwritten signature in blue ink that reads "Corley McFarland".

Corley McFarland, P.E.  
Project Manager

CWM:tra

C: Shelly Enderby/City of Goldendale



## **BRANDED DEALER OFFERING**

Prepared for  
**City of Goldendale (S20)**

**September 11, 2023**

**Presented by**

Justin Vadurro  
Regional Sales Manager west  
EPIC Fuels

[jvadurro@epicfuels.com](mailto:jvadurro@epicfuels.com)

**REQUEST FOR PROPOSAL FOR AN AVIATION FUEL SUPPLIER TO THE  
CITY OF GOLDENDALE, GOLDENDALE MUNICIPAL AIRPORT**

**BID FORM**

**COMPANY NAME:** EPIC Aviation, LLC

**COMPANY ADDRESS:** 222 West Las Colinas Blvd, Suite 1425N, Irving, TX 75039

**TELEPHONE & EMAIL ADDRESS:** Main: 866-501-3742, Regional Manager Justin Vadurro: 909-782-8332  
jvadurro@epicfuels.com

**A. SUPPLY:**

1. Source of Supply (Name/Location) Seattle Shell Terminal

2. Alternate Sources of Supply Name/Location(s) Portland Chevron

3. Cost per gallon: Based Price Report dated August 21, 2023

a. Avgas 100LL	(Rack Costs)	<u>\$ 4.218</u>
	(Fixed Markup)	<u>\$ .14</u>
	(Fixed Freight)	<u>\$ .147*</u>
	All taxes, environmental, and inspection fees, State/Federal)	<u>\$ .38</u>
	<b>(Total, Price Per Gallon)</b>	<u><b>\$ 4.945</b></u>

*\*Freight rate as quoted from carrier for a full transport. Actual freight will vary based on how many gallons are delivered with each load.*

# REQUEST FOR PROPOSAL FOR AN AVIATION FUEL SUPPLIER TO THE CITY OF GOLDENDALE, GOLDENDALE MUNICIPAL AIRPORT

## B. PRODUCT QUALITY:

1. Meet ASTM Specifications	Yes	X	No	
2. Completes certifications of analysis on all aviation fuel shipments	Yes	X	No	
3. Traceability on all shipments back to refinery	Yes	X	No	
4. Handling and disposition of "off spec." product	Yes	X	No	
5. Transportation of product via approved fuel carrier	Yes	X	No	

## C. INSURANCE:

					Amount
1. Aircraft Fueling Liability Insurance provided	Yes	X	No		\$ 1,000,000
2. Excess Aircraft Fueling Liability Insurance provided	Yes	X	No		\$ 50,000,000
3. Base coverage required by City before supplier coverage is effective					\$ 1,000,000
4. Comprehensive General Liability Insurance provided	Yes	X	No		\$ 1,000,000
5. Workers Compensation and Employers Liability Insurance provided	Yes	X	No		Based on your requirements. Normally \$ 2,000,000

## D. QUALITY ASSURANCE INSPECTION:

1. Supplier provides inspection service at no cost	Yes	X	No	
2. Accept frequency of inspection (tri-annual) <i>Annual inspections</i>	Yes		No	X
3. Items inspected - Fuel Facility	Yes	X	No	
4. Provide written documentation of inspection results (agree)	Yes	X	No	

# **REQUEST FOR PROPOSAL FOR AN AVIATION FUEL SUPPLIER TO THE CITY OF GOLDENDALE, GOLDENDALE MUNICIPAL AIRPORT**

## **E. CREDIT CARDS:**

1. List credit cards accepted by supplier:

*See table*

2. Processing fees associated with card processing (by card type)

*See table*

Card type	Rate	Payment days
EPIC Card	1.75%	2
Signature Flight Support Card	1.75%	2
Visa and MasterCard (qualified)	2.24%	2
Visa and MasterCard (unqualified)	3.29%	2
Discover	2.95%	2
American Express	3.75%	2
MultiService	3.25%	2
Avcard	3.25%	2
AIRCard (US government)	0% (contract) or 4.5%	According to contract or 2

3. Government (state and federal) card processing and fees:

*See table*

4. Credit card acceptance/authorization procedure and cost:

*Self serve island merchant account provided at no cost.*

5. Credit card reimbursement time and method back to City:

*2 days*

## **F. ADVERTISING AND PROMOTION:**

1. National advertising by supplier in trade journals and magazines	Yes		No	X
At what cost? <i>Social media and other digital advertising</i>	\$ 0			
2. Special project or local advertising costs	Co-op program gives you \$ .005 per gallon			
3. Aviation directory support by supplier <i>Co-op funds can be used for this</i>	Yes	X	No	
4. List sales aids items provided through supplier and costs of each, if any, use separate sheet if necessary  <i>Marketing support materials and consultation provided at no cost. See additional information in the attached branded dealer offering.</i>				
5. Type of signage available and cost to City  <i>We will provided EPIC Fuels branded sign panels for a pole flag or wall sign.</i>				



**REQUEST FOR PROPOSAL FOR AN AVIATION FUEL SUPPLIER TO THE  
CITY OF GOLDENDALE, GOLDENDALE MUNICIPAL AIRPORT**

**G. LINE SERVICE TRAINING:**

1. Description of training offered, including materials provided (i.e., videos, cd's, training manuals, etc.):

*We provide yearly inspections and training by your dedicated Regional Risk Manager  
See more in the attached branded dealer offering*

2. Training programs and courses offered by supplier on an annual basis and charges to the City for each:

*We provided on-site training annually and a Manual of Operational Guidelines and Best Practices See  
more in the attached branded dealer offering*

3. Training recognition programs such as NATA Line Service training program:

*EPIC provides discounted rated for the NATA Line Service training  
which is offered by NATA to their members.  
See more in the attached branded dealer offering*

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The Undersigned understands that the City of Goldendale reserves the right to reject any or all bids or to waive any informality in the bid.

**Signature:**



**Printed  
Name:**

*Justin Vadurro*

**Company:**

*EPIC Aviation LLC*

**Date:**

*9/11/2023*



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# INTRODUCTION TO EPIC FUELS

## Supplying fuel for over 80 years!

As an independent aviation fuel supplier with primary operations throughout the U.S. and Canada, EPIC Fuels' supply system utilizes a broad network of refineries, terminals, pipelines, and railcars to serve hundreds of diverse customers across North America and beyond. Not tied to just a single supplier, our long-standing relationships with more than **30 domestic and international suppliers** offers multi-supplier convenience and flexibility to ensure our customers have a continuous supply of aviation jet fuel, avgas, ground fuels and related services. Our position in the marketplace with multiple suppliers, along with a robust distribution network, offers our customers flexibility, dependability, and access to cost-effective and reliable fuel supply worldwide.

### A brief history of EPIC Fuels

<b>1940</b>	Company founded as Valley Oil, a heating oil distributor in Oregon
<b>1980s</b>	Began selling aviation fuel, representing brands such as BP, Texaco, Exxon, and Phillips 66
<b>2000s</b>	Became a national aviation fuel supplier
<b>2002</b>	Renamed company EPIC Fuels, all dealers converted to Air BP brand
<b>2012</b>	Agreement with Air BP ended, dealers converted to EPIC branding
<b>2012</b>	EPIC starts its sustainable aviation fuel (SAF) program, supplying over 5,000,000 gallons of SAF to date
<b>2013</b>	Through strategic acquisition, QTPod joins EPIC
<b>2018</b>	EPIC acquired by BBA Aviation, now known as Signature Aviation

### EPIC at-a-glance

**Headquarters:** Irving, Texas

**Support office:** Salem, Oregon

**Branded dealers:** 150+

**Staff:** 85



Valley Oil advertisement c. 1940s

# SUPPLY RELIABILITY

Our extensive fuel-supply system means Goldendale Airport's needs will be met, even if there is a disruption in the supply chain

Our robust supply chain consists of

- ✓ supply at over **100 terminals** across the United States
- ✓ inventories of Jet A and avgas at **95 airports and bulk terminals**
- ✓ long-term purchase arrangements with most suppliers in the energy markets

This supply system provides a reliable supply of Jet A and avgas to all fifty of the United States. The combination of inventories, terminals and transportation resources provides flexibility and redundancy to keep our customers fully supplied during times of supply interruptions.

## Extensive vetting procedures assure high-quality fuel will be delivered to your farm

We apply a vetting procedure for all suppliers of aviation fuels sourced for our customers. This ensures only qualified suppliers (whose systems and processes meet or exceed all industry standards for aviation fuel and whose aviation fuel meets ASTM specification) are part of our supply chain. All fuel supplied to Goldendale Airport will meet the requirements of their respective ASTM standards (Specification D1655 for Jet A and Specification D910 for 100LL).



In the event of an emergency involving equipment failure or fuel quality concerns, our standard procedure is to deploy our nearest company representative to provide viable options. Available options include standby refuelers, expedited repair of faulty equipment, and/or replacement of fuel. We will make every effort to help you maintain operational readiness at all times.

## EPIC dispatch offers convenience 24 hours per day, 7 days per week, 365 days per year

- You may order fuel via email, phone, or via a form on our website.
- Highly experienced team with varied experience in logistics and aviation.
- Most orders deliver within two business days for jet fuel and three business days for 100LL.
- Our team will be proactive to ensure a steady supply of fuel.



# FUEL QUALITY ASSURANCE

We will put our industry-leading quality assurance program to work for Goldendale Airport

EPIC Fuels is ***proud of our quality assurance department*** and the value that they provide to our branded dealers. With over 100 years of combined experience among the team, this group has a wealth of knowledge to share with you. Here's some of the value they can bring to Goldendale Airport:

## ✓ Fuel farm design collaboration

Our team can offer their input in the design process if you are planning to build a new fuel farm or make changes in your current design. The teams' expertise will serve you well, whether you are selecting a vendor, making decisions on build design, or commissioning your new farm! This consulting is provided ***free of charge***.

## ✓ Designated Risk Management Specialist assigned to location

As a branded dealer, you will be assigned a Risk Management Specialist (RMS) that will provide support in fuel related emergencies such as aircraft incidents, fuel spills, fuel quality issues, fires, and equipment failures or breakdowns. In addition, the RMS will provide assistance should you suspect off-spec product by guiding you to perform tests, take samples, and arrange for testing when needed. Emergency support is provided ***free of charge***.

## ✓ Yearly inspections/training from your dedicated RMS

Each year, your dedicated RMS will come out to HEF for an inspection. At this inspection, the RMS will inspect your fuel farm and related equipment to ensure that everything is up to specification. During the visit, your employees can also be trained on performing fuel tests, the safe acceptance of a fuel load, inspecting the fuel farm, and maintaining records. These inspections are provided ***free of charge***.



✓ **Guidance documents ensure safe and compliant operation**

To help ensure the aviation products delivered to our customers meet specification when delivered into the tanks of an aircraft, the EPIC Fuels Risk Management Team has developed the Manual of Operational Guidelines and Best Practices. Our underlying goal in the development of this manual is to help our customers recognize the applicable industry standards for their operation. By applying these standards, you will ensure that you have a safe and compliant operation.

Topics include:

- Health, Safety and Environmental
- Product Sampling and Testing
- Product Receipt and Acceptance
- Tank Farm Operations and Maintenance
- Refueler Operations and Maintenance
- Aircraft Fueling Operations
- Tank Farm Design
- Pre-Airfield Storage Terminals-
- Appendix I - Checklists
- Appendix ii - Forms
- Appendix iii - HSE Documentation

***YOUR TECHNICAL TEAM***

**Dave Stoker, Risk Management**

**Specialist:** Steve will support the fuel quality and technical aspects for your location. He has over 30 years in the aviation industry and offers experience that is unrivaled. He will conduct the annual quality control inspections and training.

**John Lindner, Manager, Risk**

**Operations:** John has 45 years of experience in the aviation industry, including 25 years with EPIC Fuels. John manages our quality assurance team and is focused on ensuring our stringent fuel quality control standards and processes are maintained from the time the product leaves the refiner until it is delivered into the aircraft wing. John is a member of ASTM, PEI and NFPA. He is based in our Salem, Oregon office.



# LINE SERVICE TRAINING

## Keeping your staff ramp-ready

In addition to on-site fuel quality assurance training performed yearly by our team, we are pleased to announce that we have worked with the National Air Transportation Association (NATA) to bring you their new and improved approach to training through the NATA Safety 1<sup>st</sup> Training Center and subscription program.



Provided Goldendale Airport is a member of NATA, your team will have access to exciting features, content, and flexibility at approved special negotiated rate.

Offered through an annual subscription, users can receive unlimited use of the entire NATA Safety 1<sup>st</sup> Program. There are no more added costs for employee turnover, simply mark the outgoing employee inactive and add in the new replacement hire. The Safety 1<sup>st</sup> Training Center offers a new approach to training that focuses on employee learning and development rather than just simple compliance. This training is approved by the FAA to meet the requirements of both 139.321(e)(1)- Fuel Safety Supervisor and Line Fuel Service 139.321 (e)(2).

The training utilizes a ratings-based approach to training that removes the emphasis on achieving a single certificate and refocuses your team on the individual, functional areas of their jobs.

The cost of NATA Safety 1st is subsidized by EPIC Fuels for our branded dealers and would be available to Goldendale Airport at a price of \$84 per slot per year (a 60% savings off the retail price of \$205 per year).





# INSURANCE

## No-cost extended product liability coverage and other insurance options

As an EPIC Fuels branded dealer, you would be eligible to participate in our extended product liability coverage with limits of ***\$50,000,000***.

Details of our program:

- As a branded dealer, you would become a Certificate Holder and Additional Insured, but only for liabilities arising out of the sale, handling, or distribution of dedicated fuel by your location.
- This coverage would be excess over insurance carried by Goldendale Airport.
- In order to participate in this extended product liability coverage, you must agree to maintain a minimum primary aviation products liability limit of \$1,000,000 for any one occurrence and in the aggregate annually. In addition, EPIC Fuels must be included as an Additional Named Insured on your policy. The excess coverage shall be null and void if Goldendale Airport fails to maintain this primary insurance or if you cease to be an authorized EPIC Fuels location.

In addition to the no-cost extended product liability coverage provided by EPIC, you may be able to realize insurance cost savings by becoming a part of our branded fuel insurance program with Starr Aviation Agency (Atlanta, GA). Please contact your insurance broker to check rates.

# PAYMENT PROCESSING

Flexibility to support your point-of-sale preference.

We offer a variety of ways to process aviation and credit card transactions, including:

## 1. VX-820 credit card machine

The Verifone VX-820 credit card machine is a high-performance, touchscreen pin pad with chip card capabilities that is PCI compliant. It comes with built-in printer.

## 2. AVMAN POS Lite

EPIC is proud to provide our branded FBO partners with the AVMAN POS Lite by Mosaix Software. This is a cloud-based POS solution that has been designed to help manage your daily fuel and non-fuel related FBO transactions. AVMAN POS Lite provides a wide range of features for securely processing all FBO transaction data electronically and is PCI compliant. A multitude of reports and search features are available online for transaction reconciliation, invoice lookup, and customer pricing. EPIC's reporting capability will provide you with additional details to assist in daily operations.

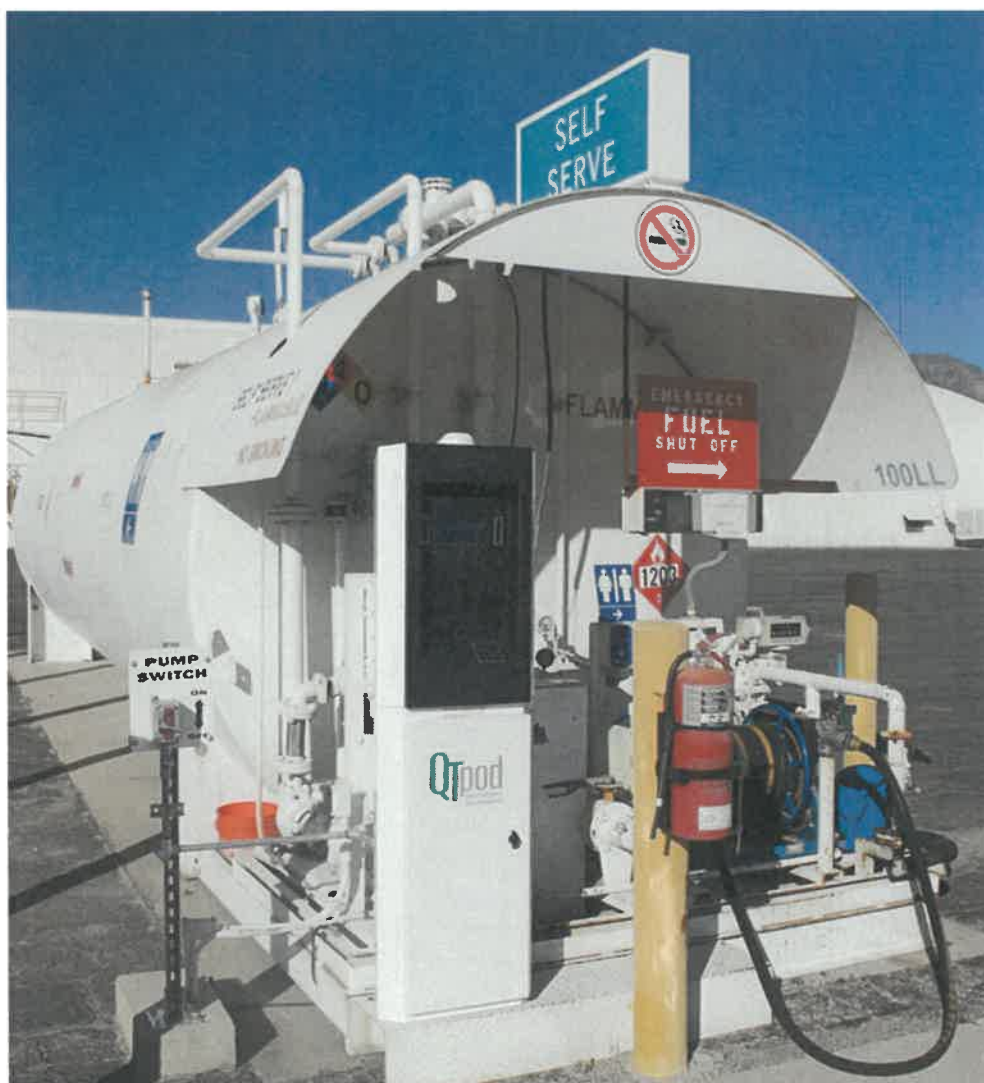


## 3. Third-party aviation point-of-sale software

If you have a third-party software that you enjoy using, odds are that we can support it. Our merchant services are compatible with AVMAN, essintaWINGS, Total Aviation Software, Total FBO, and X-1 FBO.

## 4. Self-service machine merchant processing

We can work with our sister company, QTpod, to process self-service transactions on their M4000 self-service machine. We also can support Fuelmaster self-service machines.



# CREDIT CARD RATES

We offer very competitive credit card rates, including exclusive rates on the EPIC and Signature Cards

EPIC's merchant team will process the aviation and credit cards found in the table below. The table also details the processing rates and estimated processing times which are current as of this proposal. If cards are processed manually or not settled the same day at a merchant location, then other fees may be applied.

Card type	Rate	Payment days
EPIC Card	1.75%	2
Signature Flight Support Card	1.75%	2
Visa and MasterCard (qualified)	2.24%	2
Visa and MasterCard (unqualified)	3.29%	2
Discover	2.95%	2
American Express	3.75%	2
MultiService	3.25%	2
Avcard	3.25%	2
AIRCard (US government)	0% (contract) or 4.5%	According to contract or 2



**Get paid daily!** We remit payment to our customers within 2 days of settlement, so you will receive payments daily as long as you process transactions daily.

# MARKETING SUPPORT

## Operations intelligence

Every month, EPIC will provide an Excel file that includes all tail numbers of planes arriving at (or departing from) from your airport for the prior month as well as contact information, including primary contacts' phone numbers and email addresses. This spreadsheet will help your team focus your sales efforts on tails/organizations that visit your airport most frequently.

We will also supply a yearly summary report.

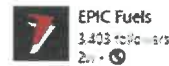
## Targeted campaigns

EPIC will support Goldendale Airport with one marketing campaign per year. We will partner with you to create content and distribute it to our wide database of potential Goldendale Airport's customers. PR and social media promote Goldendale Airport


Every EPIC FBO is included in an easy to use search engine on EPICFuels.com. In addition, EPIC works with FBOs to amplify their unique messages and efforts through PR and social media. This includes announcing new FBOs and supporting local or regional events that the FBO may be participating in (such as air shows, festivals or other events that typically draw air traffic.)

## Trade show participation

EPIC Fuels participates in the NBAA-BACE and Schedulers and Dispatchers Conferences each year and is involved with industry organizations including NBAA and NATA.



Heading to Oshkosh? Avoid the congestion and stay with **Jet Air Group** at KGRB. Green Bay is an easy 50-mile drive from **EAA AirVenture**. With over 1,000,000 square feet of ramp space, Jet Air won't run out of space for your plane. [see more](#)



**HEADING TO EAA AIRVENTURE?**

Avoid the congestion of Oshkosh and stay with **Jet Air Group**

[jetairgroup.com](http://jetairgroup.com)  
920.494.2669

**AIN**online

BIZAV AIR TRANSPORT DEFENSE ROTORCRAFT FBO SURVEY

## NBAA SCHEDULERS & DISPATCHERS

BUSINESS AVIATION

### NBAA's Nashville SDC Tops the Charts

by Curt Epstein - January 27, 2023, 12:54 PM



*As the first event on NBAA's calendar this year the just-concluded Schedulers and Dispatchers Conference set a high bar, attracting the largest attendance total in the show's more than three-decade history. (Photo: Curt Epstein/AIN)*

**AGENDA BILL: H-2**

**AGENDA TITLE: AIRPORT ADVISORY BOARD BYLAWS**

**DATE: SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE\_\_\_\_\_

COUNCIL INFORMATION\_\_\_\_\_X\_\_\_\_\_

RESOLUTION\_\_\_\_\_

OTHER\_\_\_\_\_

MOTION\_\_\_\_\_X\_\_\_\_\_

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**EXPLANATION:** The committee has modified the second paragraph to include committee member appointment procedures. Staff will be present to discuss.

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:** Approval

**MOTION:**

**I MOVE TO APPROVE THE GOLDENDALE AIRPORT ADVISORY BOARD BYLAWS.**

## **BYLAWS**

### **THE GOLDENDALE AIRPORT ADVISORY BOARD of the City of Goldendale, Washington**

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On this \_\_\_ day of \_\_\_\_\_, 2023 by majority vote of the City Council herein create the Goldendale Airport Advisory Board. The board shall be comprised of five members, to be appointed by the mayor, subject to confirmation of the city council.

Members of the Airport Advisory Board established under these bylaws' provisions shall be appointed for initial terms of two and four years. Two of the five members shall be appointed for a two-year term and the remaining members shall be appointed for a four-year term. On expiration of the two-year term positions the following term will be four years. If a member resigns or is unable to complete their term the person who replaces them will serve the remainder of the term. Upon the resignation or removal of any member, a new appointment shall be made by the mayor, and approved by the City council. The airport advisory board shall maintain a list of letters of interest from the public.

## **ARTICLE 1**

### **PURPOSE AND ORGANIZATION**

**SECTION 1.** The purpose of The Goldendale Airport Advisory Board is to provide advice and recommendations to the City Council on matters of policy and strategic long-term development issues affecting the Goldendale Municipal Airport. The Board will serve in an advisory capacity.

**SECTION 2.** Said Goldendale Airport Advisory Board shall consist of 5 members. Members shall be recommended by the community and shall be appointed by the Goldendale City Mayor and approved by the City Council. No more than two members may be hangar lessees, the remaining three members should consist of Goldendale citizens and/or Goldendale business owners or managers. The Goldendale Airport Commissioner (who is a City Council member appointed by the council) shall serve as ex officio member of such board.

Member term limits will ensure a review of each member's contributions and commitments while serving on the advisory committee. A member may serve a maximum of three consecutive terms. The Board will review each member's continuation on the Board at the conclusion of each 4-year term. This will allow each member the opportunity to confirm his or her desire to continue as a member of the Board and the Board to consider the appropriateness of the member's continued service. A vacancy shall be filled in the same manner as an original appointment.

The members shall receive no compensation for their services but may be reimbursed for all necessary expenses incurred in the performance of their duties as members of such Board; provided, that all such expenses shall be approved for reimbursement by the Goldendale City Council prior to the time they are incurred.

Any member may be removed by the appointing authority for the same cause as any appointive officer of the city council.



## **ARTICLE II**

### **POWERS AND DUTIES OF THE GOLDENDALE AIRPORT ADVISORY BOARD**

**SECTION 1.** The Goldendale Airport Advisory Board will be advisory to the City Council and may take no action that binds the City of Goldendale. Board members shall abstain from participation in discussions or matters in which they may have a financial or vested interest. In the event of such an interest, a Board member shall disclose to the Board that such an interest exists and recuse herself/himself from further participation in that matter.

**SECTION 2.** The Goldendale Municipal Airport Advisory Board shall advise the City Council and make recommendations on the following topics:

- All matters affecting airport management.
- All matters affecting airport construction, improvement, and operation.
- All matters affecting airport expansion and maintenance.
- Planning and developing airport services.
- The selection of all fixed base operators and other leases located at the airport.
- The terms, conditions, duties, responsibilities, considerations, and other lease provisions to be contained in all lease arrangements concerning airport property.
- Submitting a first draft budget to the City Council for the expenditure of revenues at the airport.

## **ARTICLE III**

### **MEETINGS OF THE GOLDENDALE AIRPORT ADVISORY BOARD**

**SECTION 1.** Regular meetings of the Goldendale Airport Advisory Board shall be set annually by the Goldendale Airport Advisory Board. Said meetings shall be monthly for the first two years, and maybe reduced for year three, but not less than quarterly.

**SECTION 2.** The City Clerk or other authorized representative shall prepare a notice of the meeting and an agenda of all matters to come before the meeting, and mail or deliver the same to the Goldendale Airport Advisory Board prior to the next regular meeting. Any officer of the Goldendale Airport Advisory Board or the Goldendale Airport Commissioner may cause matters to be placed on the agenda by advising the City Clerk no later than 12:00 noon one week preceding the next regular meeting.

**SECTION 3.** Special meetings of the Goldendale Airport Advisory Board may be called by the Chairperson or Goldendale Airport Commissioner at any time by giving notice of the time and place of such meeting to all members thereof.

**SECTION 4.** A quorum shall consist of a majority of the members of the Goldendale Airport Advisory Board appointed and qualified at any given time.

**SECTION 5.** All meetings of the Goldendale Airport Advisory Board shall be conducted in accordance with Robert's Rules of Order.

## **ARTICLE IV**

### **OFFICERS AND THEIR DUTIES**

**SECTION 1.** The officers of the Goldendale Airport Advisory Board shall be as follows:

- Chairperson, who shall be assigned initially by the City Mayor for the first two meetings and then elected by said Goldendale Airport Advisory Board from its numbers and shall preside at all meetings of the Goldendale Airport Advisory Board.
- Chairperson Pro Tem, who shall be elected by said Goldendale Airport Advisory Board from its numbers, and in the absence or disqualification or disability of the Chairperson shall perform duties of the Chairperson.

**SECTION 2.** The Goldendale Airport Advisory Board may appoint such other officers as the Goldendale Airport Advisory Board deems necessary.

**SECTION 3.** The Chairman and Chairman Pro-Tem shall be appointed by the Board. Any voting member is eligible for appointment. The Board will review each Officer's appointment at least every four years but at the Board's discretion may appoint new Officers at any time. Officers may resign at any time without affecting their status as a Member.

## **ARTICLE V**

### **RULES AND PROCEDURES**

The Goldendale Airport Advisory Board may adopt appropriate rules and procedures for the conduct of meetings and for the transaction of the Goldendale Airport Advisory Board's business.

## **ARTICLE VI**

### **AMENDMENTS TO BYLAWS**

**SECTION 1.** The Goldendale Airport Advisory Board may, by a two-thirds (2/3) majority vote, amend these Bylaws or any provisions or section thereof, at any time when the same is not in conflict or in contravention of any of the laws of the State of Washington or ordinances applicable thereto, and such amendments shall be subject to approval by the City Council. Provided, however, that notice of the proposed amendments be furnished to the Goldendale Airport Advisory Board members not less than ten (10) days prior to the meeting at which said amendments are to be considered. A copy of the Bylaws will be filed with the office of the City Clerk.



The above and foregoing Bylaws are hereby adopted as the Bylaws of the Goldendale Airport Advisory Board of the City of Goldendale, Washington.

Amended this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Signed \_\_\_\_\_ Mayor, City of Goldendale

ATTEST: GOLDENDALE AIRPORT ADVISORY BOARD

Title \_\_\_\_\_ Chairperson, Goldendale Airport Advisory  
Board

Dated \_\_\_\_\_

**AGENDA BILL: H-3**

**AGENDA TITLE: RECOGNITION COMMITTEE REQUEST**

**DATE: SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE\_\_\_\_\_ COUNCIL INFORMATION\_\_\_\_\_X\_\_\_\_\_

RESOLUTION\_\_\_\_\_ OTHER\_\_\_\_\_

MOTION\_\_\_\_\_X\_\_\_\_\_

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**EXPLANATION:** For City Councils consideration, Filberto Ontiveros is requesting the develop of a committee to recognize community individuals for outstanding performance. Mr. Ontiveros will be present to discuss.

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:**

**MOTION:**

**AGENDA BILL:     H-4**

**AGENDA TITLE:   DRAFT INTERLOCAL AGREEMENT  
BETWEEN CITY OF GOLDENDALE AND  
Klickitat County for District Court  
Services.**

**DATE:                SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE\_\_\_\_\_ COUNCIL INFORMATION\_\_\_\_\_   X  

RESOLUTION\_\_\_\_\_ OTHER\_\_\_\_\_

MOTION\_\_\_\_\_   X  

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**EXPLANATION:** Please review the attached agreement. The Agreement is covering the information that was present earlier this year by Commissioner Anderson. Staff will be present to answer questions. Staff are seeking direction from City Council members on how they would like staff to proceed.

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:**

**MOTION:**

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF GOLDENDALE AND KLICKITAT  
COUNTY FOR DISTRICT COURT SERVICES**

THIS AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between the CITY OF GOLDENDALE, a municipal corporation, hereinafter called "City" and KLICKITAT COUNTY, a political subdivision of the State of Washington, hereinafter called "County."

**DRAFT**

WHEREAS, the County has an established District Court System; and

WHEREAS, the City has been utilizing the services of East District Court for many years without an interlocal agreement; and

WHEREAS, the City has historically paid its pro rata share of the Judge's salary and benefits; and

WHEREAS, the County has requested that the pro rata share paid by the City is expanded to include the salary and benefits of the Judge and salaries and benefits of East District Court personnel; and

WHEREAS, the purpose of this Interlocal Agreement is to set forth the terms of usage of East District Court by the City pursuant to RCW 39.34.180;

NOW THEREFORE, BE IT AGREED by and between the parties as follows:

- (1) **East District Court Services.** The County and its District Court shall furnish to the City the facilities and services of the East District Court for all cases wherein the City is the plaintiff in the East District Court, over which the East District Court has jurisdiction, for purposes of enforcing violation of state statutes or city ordinances committed by persons within the City's jurisdiction that constitute gross misdemeanors, misdemeanors, or civil infractions. Nothing in this Agreement shall permit the City to regulate the administration of the court.
- (2) **Compensation.** The parties have determined, and do hereby agree, that in return for facility usage and services of the District Court, the City shall pay the County based on the adopted budget for that District Court in which the municipality receives services. The average percentage of total court filings for the municipality over the previous 3 years, as reported to Washington State Courts of Limited Jurisdiction will be multiplied by the total expenses of that adopted budget.
- (3) **Billings.** The County will invoice, via regular mail or electronic mail, the City, for the City's share for the calendar year. All sums due to the County shall be paid either on a quarterly or yearly basis.
- (4) **Distributions of Revenues to the City.** All money received by the East District Court pursuant to court action in a case filed by the City, including penalties, fines, bail forfeitures, fees and costs, except as otherwise prohibited herein, shall be paid by the East District Court to the City; provided that the County may retain all money received as payments of assessments for probation costs ordered in the City's cases. The City shall not be entitled to any revenue received by East District Court other than revenues received pursuant to court action in a case filed by the City.
- (5) **Term.** This Agreement shall be effective upon execution by the parties and recording with the Klickitat County Auditor and shall remain in effect through December 31, 2024, unless earlier terminated pursuant to the terms of this Agreement or extended by written amendment. The Parties will negotiate the cost of East District Court Services each year. The County is responsible for sending a proposal to the City no later than February 15 of each year.

- (6) **Termination and Notice of Termination.** This Agreement is terminable by either party without cause if such party provides written notice of intent to terminate in accordance with RCW 3.50.810 and 35.20.010. Any such notice from the City must be received by the Chairperson of the Klickitat County Board of County Commissioners by the statutorily required date, and any such notice from the County must be received by the Mayor of the City by the statutorily required date.
- (7) **Ownership of Property.** All real and personal property used in the operation of East District Court has been and shall continue to be acquired by the County, owned by the County and may be disposed of at the discretion of the County.
- (8) **Waiver of Binding Arbitration.** Provided that this Agreement is not earlier terminated pursuant to the terms stated above, this Agreement will expire on December 31, 2024, unless a written renewal Agreement is executed prior to such date. The City and the County waive and release any right to invoke binding arbitration under RCW 3.62.070, 35.20.010, 39.34.180 or other applicable law as related to this Agreement, any extension or amendment of this Agreement, or any discussions or negotiations relating thereto.
- (9) **Indemnification Regarding City Ordinances.** The City agrees that the County does not assume any liability or responsibility for or release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules or regulations, policies or procedures. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any City ordinance, rule, regulation, policy or procedure is at issue, the City shall defend the same at its sole expense and if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorney fees. This provision shall survive the termination of this Agreement.
- (10) **General Indemnification.** The City and the County each agree to defend and indemnify the other and its elected and appointed officials, officers, employees and agents against all claims, losses, damages, suits, and expenses, including reasonable attorneys' fees and costs, to the extent they arise out of, or result from, the negligence or willful misconduct of the indemnitor or its elected or appointed officials, officers, employees and agents in the performance of this Agreement. The indemnitor's duty to defend and indemnify extends to claims by the elected or appointed officials, officers, employees or agents of the indemnitor or of any contractor or subcontractor or indemnitor. The indemnitor waives its immunity under Title 51 of the Revised Code of Washington solely for the purpose of this provision and acknowledges that this waiver was mutually negotiated. This provision shall survive the termination of this Agreement.
- (11) **Captions.** The paragraph and subsection captions used in this Agreement are for convenience only and shall not control or affect the meaning or construction of any provisions of this Agreement.
- (12) **Entire Agreement.** This Agreement contains the entire Agreement and understanding of the parties with respect to the subject matter hereof, and supersedes all prior oral or written understandings, agreements, promises or other undertakings between the parties, including but not limited to the interlocal agreement executed by the parties in 2009 for District Court Services.
- (13) **Governing Law.** This Agreement shall be interpreted in accordance with the laws and court rules of the State of Washington in effect on the date of execution of this Agreement. In the event any party deems it necessary to institute legal action or proceedings to ensure any right or obligation under this Agreement, the parties agree that such action shall be brought in a court of competent jurisdiction situated in Klickitat County, Washington.
- (14) **No Third Party Rights.** Except as expressly provided herein, nothing in this Agreement shall be construed to permit anyone other than the parties hereto to rely upon the covenants and agreements herein contained nor to give any such third party a cause of action (as a third party beneficiary or otherwise) on account of any nonperformance hereunder.

# DRAFT

- (15) **Amendment or Waiver.** This Agreement may not be modified or amended except by resolution or ordinance adopted by the City and the County. No course of dealing between the parties or any delay in exercising rights hereunder shall operate as a waiver of any rights of any party.

IN WITNESS WHEREOF, the parties here to have signed this agreement this \_\_\_\_ day of \_\_\_\_\_ 2023.

City of Goldendale  
Goldendale, Washington

BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

\_\_\_\_\_  
Mayor Michael Canon

\_\_\_\_\_  
Dan Christopher, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Jacob Anderson, Commissioner

\_\_\_\_\_  
Goldendale City Attorney

\_\_\_\_\_  
Lori Zoller, Commissioner

ATTEST:  
Clerk of the Board

\_\_\_\_\_  
In and for the County of Klickitat,  
State of Washington

APPROVED AS TO FORM:

\_\_\_\_\_  
Klickitat County Prosecuting Attorney

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**  
**Klickitat County, Washington**

IN THE MATTER OF }  
RESCINDING RESOLUTION #04293 AND }  
AMENDING KICKITAT COUNTY CODE 1.16.090, }  
REESTABLISHING POLICIES FOR PROVIDING }  
DISTRICT COURT JUDICIAL SERVICES TO }  
MUNICIPALITIES OF KICKITAT COUNTY }

ORDINANCE NO.

0080823

**WHEREAS**, the Board of Commissioners of Klickitat County, meeting in regular session, and having before it the need to amend Klickitat County Code, 1.16.090 Municipal departments – Allocation of time and salary, and reestablish policies for providing District Court judicial services to municipalities of Klickitat County; and

**WHEREAS**, Klickitat County maintains and operates two district court branches within its single District Court district (East, Goldendale; West, White Salmon) in order to administer criminal justice in Klickitat County; and

**WHEREAS**, the county presently provides District Court judicial services to the municipalities of Bingen, White Salmon and Goldendale under the authority of County Ordinance, Chapter 1.16.050 and 1.16.070 of the Klickitat County Code; and

**WHEREAS**, the current method for charging for services defined in the ordinance under Chapter 1.16.090 of the Klickitat County Code has been subjected to debate and determined to be inequitable as applied to the municipalities; and

**WHEREAS**, the county finds it is necessary to charge municipalities for judicial services rendered to help cover costs of maintaining and operating the District Court system; and

**WHEREAS**, how the county code has been interpreted is not relevant to judicial services that are being provided today, and only accounts for wages and benefits for judges and does not include wages for clerks, bailiffs, probation services, and other costs associated with providing judicial services, which the county has been subsidizing; and

**WHEREAS**, the county is ready and able to continue providing District Court judicial services to municipalities of the county in return for a fair and reasonable annual charge for services; and

**WHEREAS**, the county has determined this can only be accomplished by changing the method for determining the annual charge for judicial services; and

**WHEREAS**, the county has deemed it necessary to amend the code and enter into direct negotiations with the municipalities of the county; and

**WHEREAS**, the county has met with incorporated cities and negotiated terms to pay their fair and equal share of District Court Costs; and

**NOW, THEREFORE, BE IT RESOLVED** that the following shall be the policy of Klickitat County for providing District Court judicial service to the municipalities of the county; and


**BE IT FURTHER RESOLVED**, that Resolution No. 04293 be rescinded and that the Klickitat County Code 1.16.090 – Municipal departments – Allocation of time and salary is amended to read as follows:

For a municipality requesting judicial services from Klickitat County for the purpose of facilitating the carrying out of criminal justice, the method for determining the annual charge shall be determined during the budget process for the upcoming year. The average percentage of the total court filings for the municipality over the previous 3 years, as reported to Washington State Courts of Limited Jurisdiction will be multiplied by the total expenses of the adopted budget for that District Court in which the municipality receives services from. This is deemed a fair and reasonable annual charge for services provided to the municipalities of the county.

DATED this 8<sup>th</sup> day of August 2023.

BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

  
Dan Christopher, Chairman

  
Jacob Anderson, Commissioner

  
Lori Zoller, Commissioner

**AGENDA BILL: J - 1**

**AGENDA TITLE: ORDINANCE NO. 1530**

**DATE: SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE\_\_\_\_\_ COUNCIL INFORMATION\_\_\_\_\_X\_\_\_\_\_  
RESOLUTION\_\_\_\_\_ OTHER\_\_\_\_\_  
MOTION\_\_\_\_\_X\_\_\_\_\_

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**EXPLANATION:** ORDINANCE NO. 1530 IS AN ORDINANCE OF THE CITY OF GOLDENDALE, WASHINGTON, AMENDING THE GOLDENDALE MUNICIPAL CODE (GMC) CHAPTER 17.20 HIGHWAY COMMERCIAL DISTRICT (HC) SECTIONS 17.20.020 and 17.20.040, CHAPTER 17.22 GENERAL COMMERCIAL DISTRICT (C-2), SECTION 17.22.020 and 17.22.040, AND CHAPTER 17.26 MIXED COMMERCIAL DISTRICT (C-3), SECTIONS 17.26.020 and 17.26.040.

The purpose of this ordinance is to change RV Parks from outright permitted use to a conditional to give the public an opportunity to comment on any proposed applications prior to approval.

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:** Approval

**MOTION:**  
**I MOVE TO APPROVE ORDINANCE 1530.**



**CITY OF GOLDENDALE  
GOLDENDALE, WASHINGTON**

**ORDINANCE NO. 1530**

**AN ORDINANCE OF THE CITY OF GOLDENDALE, UPON RADIFICATION SHALL REPEAL ORDINANCE NO. 1527, AND AMENDING THE GOLDENDALE MUNICIPAL CODE (GMC) CHAPTER 17.20 HIGHWAY COMMERCIAL DISTRICT (HC) SECTIONS 17.20.020 and 17.20.040, CHAPTER 17.22 GENERAL COMMERCIAL DISTRICT (C-2), SECTION 17.22.020 and 17.22.040, AND CHAPTER 17.26 MIXED COMMERCIAL DISTRICT (C-3), SECTIONS 17.26.020 and 17.26.040**

**WHEREAS**, the City Council of the City of Goldendale, Washington desires to amend the Goldendale Municipal Code, **NOW THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF GOLDENDALE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1:** GMC Section 17.20.020 is hereby repealed and amended to read as follows:

**17.20.020 Principal uses.**

Principal uses permitted outright in highway commercial district shall include:

- A. Overnight accommodations, eating and drinking and entertainment establishments;
- B. Other commercial services, including auto-oriented services such as car washes, truck and auto sales and repair, recreational vehicle support and services, machinery, and gas stations;
- C. Retail and wholesale goods, sales and service;
- D. Offices and related business activity;
- E. Governmental facilities;
- F. Truck service and repair facilities;
- G. Highway service facilities;
- H. Breweries, brew pubs and wineries;

~~I. —Recreational vehicle parks.~~

**Section 2:** GMC Section 17.20.040 is hereby repealed and amended to read as follows:

**17.20.040 Conditional uses.**

Conditional uses permitted in highway commercial districts shall include:

- A. Residential uses; provided, that all residential dwellings permitted in the multifamily residential district (R-3) meet the development standards of Section 17.12.050;
- B. Any principal or conditional use in a general commercial district (Chapter 17.22) that is not listed as a principal use above;
- C. Other uses deemed by the board of adjustment as similar to and consistent with the intent and purpose of the general commercial zoning district;
- D. Recreational vehicle parks.

**Section 3:** GMC Section 17.22.020 is hereby repealed and amended to read as follows:

**17.22.020 Principal uses.**

Principal uses permitted outright in general commercial districts shall include:

- A. Residential uses; provided, that all residential dwellings permitted comply with the multifamily residential district (R-3) development standards of Section 17.12.050;
- B. Office buildings, banks, and professional services;
- C. Medical and dental offices;
- D. Art galleries and museums;
- E. Post offices, newspaper offices, and printing offices;
- F. Retail food, merchandise, and apparel stores;
- G. Specialty, grocery, convenience, and drug stores;
- H. Photographic shops, barbershops and beauty shops;
- I. Self-service laundries, and commercial dry cleaning;

- J. Restaurants, taverns, bars, and night clubs;
- K. Radio, television, and electrical repair shops;
- L. Automobile repair shops performed inside an enclosed structure;
- M. Automotive, motorized vehicle, and machinery sales and rentals;
- N. Tire sales and services;
- O. Public and commercial recreational uses and facilities;
- P. Private clubs, lodges, union and social halls;
- Q. Public and private parking lots;
- R. Veterinary clinics when located not closer than one hundred fifty feet to any residential district and four hundred feet or more of any hospital, nursing home, or institution for the care of the infirm; providing that all animals are housed indoors;
- S. Minor utility facilities;
- T. Carwash;
- U. Frozen food and cold storage lockers;
- V. Bed and breakfasts, motels and hotels;
- W. Gasoline service stations and convenience store with gasoline sales;
- X. Hardware and building material stores;
- Y. Funeral homes;

~~Z. Recreational vehicle parks;~~

~~ZAA.~~ Bakery; and

~~AABB.~~ Mini-storage facility as defined in Section 17.04.556.

**Section 4:** GMC Section 17.22.040 is hereby repealed and amended to read as follows:

#### **17.22.040 Conditional uses.**

Conditional uses permitted in general commercial districts shall include:

- A. Microbreweries and brew pubs;
- B. Churches;
- C. Retirement homes, boardinghouses, nursing homes and similar uses;
- D. Childcare facilities;
- E. Cellular communications facilities;
- F. Light manufacturing, fabrication, and repair;
- G. Major utility facilities;
- H. Public facilities;

**I. Recreational vehicle parks; and**

J. Other uses deemed by the board of adjustment as similar to and consistent with the intent and purpose of the general commercial zoning district.

**Section 5:** GMC Section 17.26.020 is hereby repealed and amended to read as follows:

**17.26.020 Principal uses.**

Principal uses permitted outright in mixed commercial districts shall include:

- A. Office buildings, banks, and professional services;
- B. Retail food, merchandise, and apparel stores;
- C. Specialty, grocery, convenience, and drug stores;
- D. Photographic shops, barbershops and beauty shops;
- E. Self service laundries, and commercial dry cleaning;
- F. Restaurants, taverns, bars, and night clubs;
- G. Microbreweries and brew pubs;

- H. Bakeries;
- I. Radio, television, and electrical repair shops;
- J. Public and private parking lots;
- K. Public and commercial recreational uses and facilities;
- L. Fuel service stations and convenience store with fuel sales;
- M. Cellular communications facilities;
- N. Manufactured home sales lot;
- O. Mini storage facility as defined in Section 17.04.556;
- P. Frozen food and cold storage lockers;
- Q. Car wash;
- R. Automotive, motorized vehicle, farm, and machinery sales and rentals;
- S. Automotive, motorized vehicle, farm, and machinery repair and storage;
- T. Hardware and building materials stores;
- U. Light manufacturing, fabrication, and repair;
- V. Minor and major utility facilities;
- W. Public facilities;

X. Tire sales, service and repair; and

~~Y. Recreational vehicle parks; and~~

YZ. Other uses may be permitted by the board of adjustment, if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted in this section.

**Section 6:** GMC Section 17.26.040 is hereby repealed and amended to read as follows;

## **17.26.040 Conditional uses.**

Conditional uses permitted in mixed commercial districts shall include:

- A. Residential uses; provided, that all residential dwellings permitted in the multifamily residential district (R-3) meet the development standards of Section 17.12.050;
- B. Private clubs, lodges, union and social halls;
- C. Bed and breakfasts, motels and hotels;
- D. Veterinary clinics when located not closer than one hundred fifty feet to any residential district and four hundred feet or more of any hospital, nursing home, or institution for the care of the infirm; providing that all animals are housed indoors; and
- E. Other uses deemed by the board of adjustment as similar to and consistent with the intent and purpose of the general commercial zoning district.

### **F. Recreational vehicle parks.**

**Section 7. Effective Dates.** This ordinance shall be in full force and effect five (5) days after its passage and publication as required by law.

**PASSED** by the **CITY COUNCIL** and approved by the **MAYOR** at its regular meeting on \_\_\_\_\_, 2023.

**ATTEST:**

**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

**AGENDA BILL: J-2**

**AGENDA TITLE: ORDINANCE No 1531**

**DATE: SEPTEMBER 18, 2023**

**ACTION REQUIRED:**

ORDINANCE \_\_\_\_\_ COUNCIL INFORMATION \_\_\_\_\_ X \_\_\_\_\_

RESOLUTION \_\_\_\_\_ OTHER \_\_\_\_\_

MOTION \_\_\_\_\_ X \_\_\_\_\_

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**EXPLANATION:** The purpose of Ordinance No. 1531 is the repeal app previous shoreline management plans adopted by ordinance and/or resolution and replace with the City's updated 2023 Shoreline Management Plan.

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:** Approve

**MOTION:**

**I MOVE TO ADOPT ORDINANCE NO. 1531.**

**CITY OF GOLDENDALE  
GOLDENDALE, WASHINGTON**

**ORDINANCE NO. 1531**

**AN ORDINANCE OF THE CITY OF GOLDENDALE, ADOPTING GOLDENDALES  
2023 SHORELINE MANAGEMENT PLAN (SMP).**

**WHEREAS**, the City Council of the City of Goldendale, Washington desires to repeal all previous shoreline management plans adopted by ordinance and/or resolution and replace with the City of Goldendale's 2023 Shoreline Management Plan (SMP), **NOW THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF GOLDENDALE, WASHINGTON DO ORDAIN  
AS FOLLOWS:**

The 2023 Shoreline Management Plan, in its entirety, is hereby adopted by reference as part of the City of Goldendale's Municipal Coded and shall hereinafter be considered as an extension of the city's municipal codes for the purpose of managing and enforcing the City of Goldendale's shoreline management policies and laws.

**PASSED** by the **CITY COUNCIL** and approved by the **MAYOR** at its regular meeting on \_\_\_\_\_, 2023.

**ATTEST:**

**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**